

TITLE 8

PUBLIC PEACE, MORALS AND SAFETY

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- 8.01 Preliminary Article
- 8.02 Crimes Relating to Advertising
- 8.03 Alcoholic Beverages
- 8.04 Cruelty to Animals.
- 8.05 Anticipatory Offenses
- 8.06 Crimes Relating to Children and Minors
- 8.07 Controlled Substances, Paraphernalia, Poisons and Toxic Fumes
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CHAPTER 8.01
PRELIMINARY ARTICLE

Sections:

- 8.01.010 General Provisions
- 8.01.015 Arrest of Probation Violators
- 8.01.020 Principles of Liability
- 8.01.030 Defenses
- 8.01.040 Contempt
- 8.01.050 Penalties

8.01.010 General Provisions

The following statutes of the State of Washington are adopted by reference:

- RCW 9.01.055 Citizen, immunity of aiding officer.
- RCW 9.01.110 Omission, when not punishable.
- RCW 9.01.130 Sending letter, when complete.
- RCW 9A.04.020 Purposes – Principles of construction.
- RCW 9A.04.050 People capable of committing crimes (capability of children).
- RCW 9A.04.060 Common law to supplement statutes.
- RCW 9A.04.070 Who amenable to criminal statutes.
- RCW 9A.04.090 Application of general provisions of the code.
- RCW 9A.04.100 Proof beyond a reasonable doubt.
- RCW 9A.04.110 Definitions.

(Ord. 1363 §1 (part), 1985)

8.01.015 Arrest of Probation Violators

Whenever a police officer shall have probable cause to believe that a probationer, prior to the termination of the period of his/her probation, is, in such officer's presence, violating or failing to comply with any requirement or restriction imposed by the court as a condition of such probation, such officer may cause the probationer to be brought before the court wherein sentence was deferred or suspended, and for such purpose such police officer may arrest such probationer without warrant or other process.

As used in this section "probationer" means any person who, after conviction of violation of a provision of this code, an ordinance of the county, or a law of the State, has been placed on probation in connection with the suspension or deferral of sentence by either the Tukwila Municipal Court, a district court of King County, or the King County Superior Court.

(Ord. 1505 §1, 1989)

8.01.020 Principles of Liability

The following statutes of the State of Washington are adopted by reference:

- RCW 9A.08.010 General requirements of culpability.
- RCW 9A.08.020 Liability for conduct of another, complicity.
- RCW 9A.08.030 Criminal liability of corporations and persons acting under a duty to act in their behalf.

(Ord. 1363 §1 (part), 1985)

8.01.030 Defenses

The following statutes of the State of Washington are adopted by reference:

- RCW 9A.12.010 Insanity.
- RCW 9A.16.010 Definition.
- RCW 9A.16.020 Use of force – When lawful.
- RCW 9A.16.060 Duress.
- RCW 9A.16.070 Entrapment.
- RCW 9A.16.080 Action for being detained on mercantile establishment of premises for investigation- "Reasonable grounds" as defense.
- RCW 9A.16.090 Intoxication.

(Ord. 1363 § (part), 1985)

8.01.040 Contempt

The following statutes of the State of Washington, as now in effect or as may be subsequently amended or recodified, are hereby adopted by reference:

- RCW 7.21.010 Definitions.
- RCW 7.21.020 Sanctions – Who may impose.
- RCW 7.21.030 Remedial sanctions – Payment for losses.
- RCW 7.21.040 Punitive sanctions – Fines.
- RCW 7.21.050 Sanctions – Summary imposition – Procedure.

(Ord. 2497 §1, 2016; Ord. 1363 §1 (part), 1985)

8.01.050 Penalty

Except as otherwise provided in RCW 35.21.163 as now in effect or as may be subsequently amended, any person violating any provision of this title shall be guilty of a gross misdemeanor and shall be punished by a fine not to exceed \$5,000.00, or by imprisonment in jail for a term not exceeding one year, or by both such fine and imprisonment.

*(Ord. 1710 §1, 1994; Ord. 1677 §15, 1993;
Ord. 1363 §1 (part), 1985)*

CHAPTER 8.02
CRIMES RELATING TO ADVERTISING

Sections:

8.02.010 Advertising Prohibitions

8.02.010 Advertising Prohibitions

The Revised Code of Washington (RCW) section, 9.04.010 – False advertising, is hereby adopted by reference.

(Ord. 1677 §2, 1993; Ord. 1363 §1 (part), 1985)

CHAPTER 8.03
ALCOHOLIC BEVERAGES

Sections:

8.03.010 Alcoholic Beverage Control – Enforcement

8.03.010 Alcoholic Beverage Control – Enforcement

The following statutes of the State of Washington are adopted by reference, as presently constituted or hereinafter amended, and wherever the word “title” or words “this title” are used therein, the same shall be construed to mean and refer to RCW Title 66, and “this act” shall mean and refer to the Washington State Liquor Act:

66.04.010 Definitions.

66.20.200 Unlawful acts relating to card of identification and certification card - Penalties.

66.20.210 Licensee’s immunity to prosecution or suit -- Certification card as evidence of good faith.

66.28.080 Permit for music and dancing upon licensed premises.

66.28.090 Licensed premises or banquet permit premises open to inspection -- Failure to allow, violation.

66.44.010 Local officers to enforce law -- Authority of board -- Liquor enforcement officers.

66.44.040 Sufficiency of description of offenses in complaints, informations, process, etc.

66.44.050 Description of offense in words of statutes -- Proof required.

66.44.060 Proof of unlawful sale establishes prima facie intent.

66.44.070 Certified analysis is prima facie evidence of alcoholic content.

66.44.080 Service of process on corporation.

66.44.090 Acting without license.

66.44.100 Opening or consuming liquor in public place -- Penalty.

66.44.120 Unlawful use of seal.

66.44.130 Sales of liquor by drink or bottle.

66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal * Unlawful operation, possession of still or mash.

66.44.150 Buying liquor illegally.

66.44.160 Illegal possession, transportation of alcoholic beverages.

66.44.170 Illegal possession of liquor with intent to sell -- Prima facie evidence, what is.

66.44.175 Violations of law.

66.44.180 General penalties - Jurisdiction for violations.

- 66.44.200 Sales to persons apparently under the influence of liquor -- Purchases or consumption by persons apparently under the influence of liquor on licensed premises -- Penalty -- Notice -- Separation of actions.
- 66.44.210 Obtaining liquor for ineligible person.
- 66.44.240 Drinking in public conveyance - Penalty against carrier - Exception.
- 66.44.250 Drinking in public conveyance - Penalty against individual -- Restricted application.
- 66.44.270 Furnishing liquor to minors - Possession, use -- Penalties -- Exhibition of effects -- Exceptions.
- 66.44.280 Minor applying for permit.
- 66.44.290 Minor purchasing or attempting to purchase liquor -- Penalty.
- 66.44.300 Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least twenty-one, in public place where liquor sold.
- 66.44.310 Minors frequenting off-limits area -- Misrepresentation of age -- Penalty -- Classification of licensees.
- 66.44.316 Certain persons eighteen years and over permitted to enter and remain upon licensed premises during employment.
- 66.44.325 Unlawful transfer to minor of age identification.
- 66.44.328 Preparation or acquisition and supply to persons under age twenty-one of facsimile of official identification card -- Penalty.
- 66.44.340 Employees eighteen years and over allowed to sell and handle beer and wine for certain licensed employers.
- 66.44.370 Resisting or opposing officers in enforcement of title.

(Ord. 2151 §1, 2007)

CHAPTER 8.04

CRUELTY TO ANIMALS

Sections:

- 8.04.010 Cruelty Prohibited
- 8.04.020 Abuse of Police Animals
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8.04.010 Cruelty Prohibited

No person shall, within the corporate limits of the City, beat, whip or mistreat any beast of burden or other animal or bird, nor shall any person starve, neglect to feed, or underfeed any animal or bird, or subject the same to circumstances of unusual or unnecessary hardship and suffering; provided however, that the provisions of this chapter shall not apply to the ordinary treatment of animals in any rodeo or other show licensed under laws of the City.

(Ord. 1677 §16 (part), 1993)

8.04.020 Abuse of Police Animals

It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, choke, cut, stab, stone, shoot, mutilate, injure, disable, kill, arouse, anger or excite, or to interfere with or meddle with any animal while it is being caged, kenneled, transported, exhibited, exercised, or used in discharging or attempting to discharge any lawful duty or function or power of office, by any bona fide police officer or his representative, for any police agency.

(Ord. 1677 §16 (part), 1993)

CHAPTER 8.05
ANTICIPATORY OFFENSES

Sections:

8.05.010 Anticipatory Offenses Prohibited

8.05.010 Anticipatory Offenses Prohibited

The following statutes of the State of Washington are adopted by reference:

RCW 9A.28.020 (1), (2), (3) Criminal attempt
RCW 9A.28.030 Criminal solicitation
RCW 9A.28.040 (1), (2), (3) Criminal conspiracy
(Ord. 1363 §1 (part), 1985)

CHAPTER 8.06
CRIMES RELATING TO
CHILDREN AND MINORS

Sections:

8.06.010 Conduct Prohibited
8.06.015 Leaving Minor Children in Unattended Vehicle
8.06.020 Contributing to the Delinquency of a Minor
8.06.030 Custodial Interference – Prohibited
8.06.040 Custodial Interference – Assessment of Costs –
Defense – Consent Defense Restricted

8.06.010 Conduct Prohibited

The following statutes of the State of Washington are adopted by reference:

RCW 9A.44.096 Sexual misconduct with a minor in the second degree.

RCW 9.68A.110
(1) (2) (5) Certain defenses barred, permitted.
RCW 9.68A.120 Seizure and forfeiture of property.
RCW 9.68A.140 Definitions.
RCW 9.68A.150 Minor Access to Erotic Materials.
RCW 9.68A.160 Penalty.
(Ord. 1805 §1, 1997; Ord. 1677 §12, 1993;
Ord. 1363 §1 (part), 1985)

8.06.015 Leaving Minor Children in Unattended Vehicle

A. No person shall, while operating or otherwise in charge of any motor vehicle, park or allow such vehicle to stand or remain in any public place, leaving a child or children under the age of twelve years unattended therein. The crime of leaving minor children in an unattended vehicle is a misdemeanor.

B. Probable cause for this offense is established only in circumstances where an officer on the scene:

1. Believes there is an imminent threat of property damage or bodily injury or death to any person; or
2. Is able to articulate reasons from personal observation tending to establish some threat to the safety of persons or property. Articulated reasons sufficient to establish probable cause under this subsection shall include without limitation excessive heat or cold, age of the occupants in the vehicle under observation, the existence of the ignition key for that vehicle in the ignition switch, or the fact that the engine of the vehicle under observation is running.

(Ord. 1535 §1, 1989)

8.06.020 Contributing to the Delinquency of a Minor

A. A person is guilty of contributing to the delinquency of a child if, by act or omission, he knowingly causes or encourages a child to commit, or otherwise contributes to a child's commission of, any delinquent act. Contributing to delinquency of a child is a misdemeanor.

B. For purposes of this section, the following definition shall apply:

1. *"Child"* means any person under the age of 18 years at the time of the act complained of; and

2. *"Delinquent act"* means any act or omission for which an adult could be charged with a crime.

(Ord. 1531 §1, 1989; Ord. 1363 §1 (part), 1985)

8.06.030 Custodial Interference – Prohibited

A. A parent of a child is guilty of custodial interference in the second degree if:

1. The parent takes, entices, retains, detains, or conceals the child, with the intent to deny access from the other parent having the lawful right to time with the child pursuant to a court-ordered parenting plan; or

2. The parent has not complied with the residential provisions of a court-ordered parenting plan after a finding of contempt under RCW 26.09.160(3); or

3. The court finds that the parent has engaged in a pattern of willful violations of the court-ordered residential provisions.

B. Nothing in TMC 8.06.030A.2 prohibits conviction of custodial interference in the second degree under TMC 8.06.030A.1 & A.3 in absence of findings of contempt.

C. The first conviction of custodial interference is a gross misdemeanor.

(Ord. 1569 §1 (part), 1990)

8.06.040 Custodial Interference – Assessment of Costs – Defense – Consent Defense Restricted

A. Any reasonable expenses incurred in locating or returning a child or incompetent person shall be assessed against a defendant convicted under TMC 8.06.030.

B. In any prosecution of custodial interference, it is a complete defense, if established by the defendant by a preponderance of the evidence, that:

1. The defendant's purpose was to protect the child, incompetent person, or himself or herself from imminent physical harm; that the belief in the existence of the imminent physical harm was reasonable; and that the defendant sought the assistance of the police, sheriff's office, protective agencies, or the court of any state before committing the acts giving rise to the charges or within a reasonable time thereafter;

2. The complainant had, prior to the defendant committing the acts giving rise to the crime, for a protracted period of time failed to exercise his or her rights to physical custody or access to the child under a court-ordered parenting plan or order granting visitation rights, provided that such failure was not the direct result of the defendant's denial of access to such person;

3. The acts giving rise to the charges were consented to by the complainant; or

4. The offender, after providing or making a good faith effort to provide notice to the person entitled to access to the child, failed to provide access to the child due to reasons that a reasonable person would believe were directly related to the welfare of the child, and allowed access to the child in accordance with the court order within a reasonable period of time. The burden of proof that the denial of access was reasonable is upon the person denying access to the child.

C. Consent of a child less than 16 years of age or of an incompetent person does not constitute a defense to an action under TMC 8.06.030.

(Ord. 1569 §1 (part), 1990)

CHAPTER 8.07
CONTROLLED SUBSTANCES,
PARAPHERNALIA, POISONS
AND TOXIC FUMES

Sections:

8.07.010	State Statutes Adopted by Reference
8.07.020	Possession Prohibited
8.07.030	Inhaling Toxic Fumes
8.07.040	Drug-Free Zones – Enhanced Penalties
8.07.050	Poisons

8.07.010 State Statutes Adopted by Reference

The following statutes of the State of Washington, as now in effect or as may be subsequently amended, are hereby adopted by reference as if set forth in full herein:

RCW 69.50.101	Definitions.
RCW 69.50.102	Drug Paraphernalia–Definitions.
RCW 69.50.204(d)(13)	Schedule I–Marijuana.
RCW 69.50.309	Containers.
RCW 69.50.4014	Possession of Forty Grams of Marijuana–Penalty.
RCW 69.50.412	Prohibited Acts: E–Penalties.
RCW 69.50.425	Misdemeanor Violations–Minimum Imprisonment.
RCW 69.50.505	Seizure and Forfeiture.
RCW 69.50.506	Burden of Proof.
RCW 69.50.509	Search and Seizure of Controlled Substances.

*(Ord. 2049 §1, 2004; Ord. 1568 §2, 1990;
 Ord. 1363 §1 (part), 1985)*

8.07.020 Possession Prohibited

No person shall possess any drug paraphernalia as defined in RCW 69.50.102 with the intent to use or employ the same for manufacturing and/or consuming controlled substances.

(Ord. 1363 §1(part), 1985)

8.07.030 Inhaling Toxic Fumes

The following statutes of the State of Washington are adopted by reference:

RCW 9.47A.010	Definition.
RCW 9.47A.020	Unlawful inhalation – Exception.
RCW 9.47A.030	Possession of certain substances prohibited, when.
RCW 9.47A.040	Sale of certain substances prohibited, when.

(Ord. 1495 §1, 1988; Ord. 1363 §1(part), 1985)

8.07.040 Drug Free Zones – Enhanced Penalties

A. Any person who, in the drug free zones described in this section, violates TMC 8.07.020 or any subsequent amendment thereto by using or possessing drug paraphernalia, or who delivers, possesses with intent to deliver, or manufactures with intent to deliver drug paraphernalia, or who violates TMC 8.07.010 or any subsequent amendment thereto, by possessing 40 grams or less of marijuana, and any such violation occurs in or at any school or community center listed in TMC 8.07.040G, or within 1,000 feet of the perimeter of any such school or community center grounds, or in any public park listed in TMC 8.07.040G, may be punished by a fine of up to twice the fine or twice the imprisonment authorized by TMC 8.01.050 or any subsequent amendment thereto, or by both such doubled fine and imprisonment.

B. It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school, or within 1,000 feet of the school, or in a public park.

C. It is not a defense to a prosecution for a violation of this section that persons under the age of 18 were not present in the school, the public park, or at the time of the offense, or that school was not in session.

D. It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under 18 years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401(a) for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for any offense defined in any other section of this chapter or in any other law.

E. In a prosecution under this section, a map produced or reproduced by any school district or the City of Tukwila for the purpose of depicting the location and boundaries of the area on or within 1,000 feet of the perimeter of any property used for a school or community center, or the location of any park, or a true copy of such a map, shall be admissible and shall constitute prima facie evidence of the location and boundaries of those areas. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram if such map or diagram is otherwise admissible.

F. As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

TUKWILA MUNICIPAL CODE

1. "School" has the meaning under RCW 28A.150.010 or 28A.150.020. The term "school" also includes a private school approved under RCW 28A.195.010;

2. "Public park" means land, including any facilities or improvements on the land, that is operated as a park by the State or local government.

3. "Community center" means the City of Tukwila Community Center located at 12424 – 42nd Avenue South.

4. "Library" means a free public library supported in whole or in part with money derived from taxation.

G. As described in this section, the following areas are designated as drug free zones, subject to the provisions of this section:

1. Schools (includes 1,000-foot buffer zone):

a	Foster High School	4242 S. 144 th
b	Showalter Middle School	4628 S. 144 th St.
c	Tukwila Elementary	5939 S. 149 th St.
d	Cascade View Elementary	13601 – 32 nd Ave. S.
e	Thorndyke Elementary	4415 S. 150 th St.
f	Aviation High School	9229 East Marginal Way S.
g	Academy Schools/Children's Academy	14601 Interurban Ave. S.

2. Parks:

a	Duwamish Park	42 nd Ave. S./S. 116 th St.
b	Codiga Park	12535 50 th Pl. S.
c	Riverton Mini Park	45 th Ave. S./S. 133 rd St.
d	57 th Avenue Park	57 th Ave. S./S. 133 rd St.
e	Hazelnut Park	59 th Ave. S./S. 147 th St.
f	Fort Dent Park	Southcenter Blvd./Interurban Ave. S.
g	Tukwila Park	65 th Ave. S./S. 153 rd St.
h	Ikawa Park	6200 Southcenter Blvd.
i	Bicentennial Park	Christensen Rd./Strander Blvd.
j	Duwamish/Green River Trail	Part of valley river trail system along shores of the Duwamish/Green River
k	Interurban Trail	S. 180 th to north City limits
l	Crestview Park	42 nd Ave. S./S. 162 nd St.
m	Crystal Springs Park	51 st Ave. S./S. 158 th St.
n	Joseph Foster Memorial Park	53 rd Ave. S./S. 137 th St.
o	Southgate Park	40 th Ave. S./S. 133 rd St.
p	Community Center Park	42 nd Ave. S./S. 124 th
q	Riverton Park	4101 S. 131 st St.
r	Tukwila Pond Park	S. 168 th /Strander Blvd.
s	Designated park trails	
t	Cascade View Community Park	37 th Ave S. & S. 142 nd St.
u	Duwamish Hill Preserve	3800 S. 115 th St.
v	Macadam Wetlands Park	S. 144 th St./Macadam Rd.
w	Cecil Moses Park	11013 W. Marginal Pl.

3. Community Centers:

a	Tukwila Community Center	12424 – 42 nd Ave. S.
b	Tukwila Heritage and Cultural Center	14475 59 th Ave. S.

4. Libraries:

a	Foster Library	4060 S. 144 th
b	Library Connection @ Southcenter	1115 Southcenter Mall

(Ord. 2369 §1, 2012; Ord. 1808 §1, 1997;
Ord. 1621 §1, 1992)

8.07.050 Poisons

The following state statutes (RCW) are hereby adopted by reference:

69.38.020 Poison defined.
69.38.020 Exceptions.
69.38.030 Poison Register.
69.38.040 Poison Register – Penalty for violations.
69.38.060 License Required.

(Ord. 1677 §7, 1993)

CHAPTER 8.08
FALSE ALARMS

Sections:

- 8.08.010 Audible Alarm Nuisance
 - 8.08.020 Outside Audible Intrusion Alarm – Notice Required
 - 8.08.030 Automatic Telephone Dialing System – Connection with Police and Fire Communications Prohibited
 - 8.08.040 False Alarm – Fines
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8.08.010 Audible Alarm Nuisance

Any alarm audible upon abutting property for a period in excess of one-half hour is declared to be a public nuisance and may be summarily abated by the Police Department.
(Ord. 1363 §1 (part), 1985)

8.08.020 Outside Audible Intrusion Alarm – Notice Required

Any person connecting an outside audible intrusion alarm to any building located within the City limits shall notify the Police Department of the City of such connection.
(Ord. 1363 §1 (part), 1985)

8.08.030 Automatic Telephone Dialing System – Connection with Police and Fire Communications Prohibited

No person shall connect any automatic telephone dialing system to the Tukwila Police Department, Tukwila Fire Department, or Valley Communications.
(Ord. 1363 §1 (part), 1985)

8.08.040 False Alarm – Fines

In the event that, in any calendar year, any department of the City receives or responds to a total of more than two false alarms of fire, intrusion, crime or other safety-related emergency at any single place of business, home, vehicle or other premises or place, the owner of said premises or place shall, within 10 days of receipt of written bill therefor, pay to the City the fee charged in accordance with the fee schedule to be adopted by resolution of the Tukwila City Council.
(Ord. 2434 §1, 2014; Ord. 1363 §1 (part), 1985)

CHAPTER 8.09
CRIMES RELATING TO FIRE

Sections:

- 8.09.010 Reckless Burning
 - 8.09.020 Fire – Miscellaneous Crimes
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8.09.010 Reckless Burning

The following statutes of the State of Washington are adopted by reference.

- RCW 9A.48.010 Definition.
- RCW 9A.48.050 Reckless burning.
- RCW 9A.48.060 Reckless burning – Defenses.
(Ord. 1677 §8, 1993; Ord. 1363 §1 (part), 1985)

8.09.020 Fire – Miscellaneous Crimes

The following statutes of the State of Washington are adopted by reference:

- RCW 9.40.040 Operating engine or boiler without spark arrester.
(Ord. 1363 §1 (part), 1985)

CHAPTER 8.10

FIREARMS AND DANGEROUS WEAPONS

Sections:

- 8.10.010 Firearms and Dangerous Weapons – Prohibitions
- 8.10.020 Unlawful Use of Air Guns – Penalty
- 8.10.030 Discharge of Firearms Prohibited
- 8.10.050 Penalty

8.10.010 Firearms and Dangerous Weapons – Prohibitions

The following statutes of the State of Washington, as presently constituted and hereinafter amended, are adopted by reference:

- RCW 9.41.010 Terms defined.
- RCW 9.41.050 Carrying firearms.
- RCW 9.41.060 Exceptions to restrictions on carrying firearms.
- RCW 9.41.070 Concealed pistol license – Application – Fee – Renewal.
- RCW 9.41.080 Delivery to ineligible persons.
- RCW 9.41.090 Dealer deliveries regulated – Hold on delivery.
- RCW 9.41.098 Forfeiture of firearms – Disposition – Confiscation.
- RCW 9.41.100 Dealer licensing and registration required.
- RCW 9.41.120 Firearms as loan security.
- RCW 9.41.140 Alteration of identifying marks – Exceptions.
- RCW 9.41.170 Alien's license to carry firearms – Exception.
- RCW 9.41.230 Aiming or discharging firearms, dangerous weapons.
- RCW 9.41.240 Possession of pistol by person from eighteen to twenty-one.
- RCW 9.41.250 Dangerous weapons – Penalty.
- RCW 9.41.260 Dangerous exhibitions.
- RCW 9.41.270 Weapons apparently capable of producing bodily harm – Unlawful carrying or handling – Penalty – Exceptions.
- RCW 9.41.280 Possessing dangerous weapons on school facilities – Penalty – Exceptions.
- RCW 9.41.300 Weapons prohibited in certain places – Local laws and ordinances – Exceptions – Penalty.

(Ord. 1905 §1, 2000; Ord. 1363 §1 (part), 1985)

8.10.020 Unlawful Use of Air Guns – Penalty

A. It is unlawful for any person to point or shoot an air gun at any person or property of another, or to aim or discharge such weapon in the direction of the person or residence of another, while within such range as to cause or inflict injury to the person or damage the property of another.

B. As used in this section, the words "air gun" mean and include the following: air gun, air pistol, air rifle, BB gun, and toy or other guns of any kind or nature when so designed, contrived, modified and used to propel, by compressed air or spring-loaded plunger, any pellet, dart, hardtipped arrow, bean, pea, BB, rock or other hard substance a distance of more than 25 feet, with sufficient force to break windows or inflict injury upon persons or animals.

C. Any person convicted of a violation of the provisions of this section is guilty of a misdemeanor; and, in addition to any other punishment imposed by the court, the court shall direct that the weapon so used in violation of the provisions hereof be confiscated.

(Ord. 1363 §1 (part), 1985)

8.10.030 Discharge of Firearms Prohibited

It is unlawful for any person to discharge any firearm in the City of Tukwila where there is a likelihood of injury to humans, domestic animals or property, except upon a rifle or pistol firing range which has been issued a business license by the City for such purpose, provided that this prohibition does not apply to the discharge of firearms by law enforcement officers engaged in the performance of their official powers or duties. This section shall not abridge the right of the individual guaranteed by Article I, Section 24 of the State Constitution to bear arms in defense of self or others.

(Ord. 1363 §1 (part), 1985)

8.10.050 Penalty

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine not to exceed \$1,000.00, or by imprisonment in jail for a term not exceeding 90 days, or by both such fine and imprisonment.

(Ord. 1363 §1 (part), 1985)

CHAPTER 8.11
DISPOSAL OF FORFEITED
AND SURPLUS FIREARMS

Sections:

- 8.11.010 Applicable Weapons
 - 8.11.020 Retention of Firearms for Department Use
 - 8.11.030 Destruction of Forfeited Firearms
 - 8.11.040 Legislative Exemption for the Destruction of Certain Firearms
 - 8.11.050 Severability
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8.11.010 Applicable Weapons

A. All illegal firearms as defined by RCW or the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF) regulations, and “short firearms” (handguns) within the inventory of the Tukwila Police Department up to midnight June 30, 1993, and all rifles, shotguns and short firearms that come into the possession of the Tukwila Police Department after June 30, 1993 that are judicially forfeited under RCW 9.41.098, no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010, or any surplus firearm from the inventory of Tukwila Police Department Service weapons, shall be disposed of by the Tukwila Police Department in the manner set forth in this chapter.

B. Any “short firearm” (handgun) in the inventory of the Tukwila Police Department up to midnight June 30, 1993, destroyed by the City of Tukwila shall cause the City to pay a sum of \$25.00 per handgun to the Treasurer of the State of Washington.

C. All legal rifles, shotguns, and antique or relic weapons as described in TMC 8.11.040 in the inventory of the Tukwila Police Department up to midnight June 30, 1993 shall be disposed of through trade and/or auction by commercial sellers.

(Ord. 1668 §1 (part), 1993)

8.11.020 Retention of Firearms for Department Use

A. Any firearm seized after June 30, 1993, having been adjudicated as forfeited to the Tukwila Police Department or forfeited due to a failure to make a claim under applicable State law, that is no longer needed for evidence, that is determined to be of functional value to the Police Service of the City of Tukwila, may be retained for department use. At no time shall the annual number of Department-retained firearms exceed 10% of the total number of firearms forfeited to the Department in any calendar year.

B. Any firearm declared surplus from the inventory of Tukwila Police Department service weapons shall be destroyed in the manner set out in this chapter under 8.11.030.

(Ord. 1668 §1 (part), 1993)

8.11.030 Destruction of Forfeited Firearms

All illegal firearms, all “short firearms” (handguns) in inventory of the Tukwila Police Department up to midnight June 30, 1993, all firearms legally forfeited to the Tukwila Police Department after June 30, 1993, no longer needed for evidence, and all firearms declared surplus from the inventory of weapons in service by the Tukwila Police Department, with the exception of exempted firearms as set out in TMC 8.11.040, shall be destroyed by appropriate means available, under the direction of the Police Department Evidence person.

(Ord. 1668 §1 (part), 1993)

8.11.040 Legislative Exemption for the Destruction of Certain Firearms

A. No antique firearm as defined by RCW 9.41.150, or firearm designated a curio, relic, or firearm of particular historical significance as described in the published regulations of the Bureau of Alcohol, Tobacco, and Firearms, may be destroyed.

B. Any antique or relic firearm meeting the definition of this section may be retained by the Department.

1. All other firearms meeting the definition of this section shall be traded to commercial sellers for equal value applicable police supplies/equipment, or auctioned to commercial sellers.

2. Any proceeds received from the trade or auction of firearms under this chapter shall be utilized in the furtherance of the Police Mission.

(Ord. 1668 §1 (part), 1993)

8.11.050 Severability

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

(Ord. 1668 §2, 1993)

CHAPTER 8.12
FIREWORKS

Sections:

- 8.12.010 Sale of Fireworks Prohibited
 - 8.12.020 Ban on Fireworks Discharge
 - 8.12.030 Fireworks Discharge, Enforcement Authority
 - 8.12.040 Fireworks Discharge, Penalties
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8.12.010 Sale of Fireworks Prohibited

No person, firm or corporation shall manufacture, sell, or store fireworks in the City of Tukwila, except that a person granted a permit for a public display of fireworks shall be allowed to buy, possess and store fireworks according to the permit granted.

(Ord. 1786 §1, 1996)

8.12.020 Ban on Fireworks Discharge

No person or persons shall ignite, explode or discharge any fireworks or firecrackers within the city limits of Tukwila, except as provided below:

1. Use by a group or individual for religious or other specific purposes on an approved date an approved location pursuant to a permit issued pursuant to RCW 70.77.311.
2. Use of trick and novelty devices as defined in WAC 212.17.030, and use of agricultural and wildlife fireworks as defined in WAC 212.17.045.
3. Public Display of Fireworks
 - a. "Public displays of fireworks" are defined as an entertainment feature where the public is admitted or permitted to view the display or discharge of fireworks.
 - b. Public displays of fireworks shall be allowed pursuant to the definitions and permit provisions found in RCW 70.77.255, 70.77.260 (2), 70.77.280 through 70.77.295, and City requirements in TMC 8.12.020-3.c, 3.d & 3.e below.
 - c. Applications for public display of fireworks shall be made in writing at least 14 days before the proposed display. The Fire Marshal shall investigate the safety, supervision, responsibility and preparation for the display, and shall report to the City Council those findings.

d. The City Council shall review all permit applications for a public display of fireworks, and shall have the power, based upon the finding of their investigation, to grant or deny any application for a permit, or to subject the same to such reasonable conditions, if any, as they shall prescribe. Said decision to grant, deny, or grant subject to conditions shall be in writing with findings and conclusions provided therein in support of the City Council's decision.

e. The fee for a public display shall be \$100.

f. Permits granted shall be in effect for the specified single event, date and time specified in the permit. Such permit shall not be transferable.

g. Any applicant who feels he/she has been denied a permit for reasons other than those set forth in this section, is entitled to appeal the written decision in accordance with procedures set forth in TMC 8.45.060 relating to appeals from notice and orders.

(Ord. 1787 §1, 1996)

8.12.030 Fireworks Discharge, Enforcement Authority

The Chief of Police and Fire Marshal are both directed to administer and enforce the provisions of this chapter. Upon request by the Chief of Police or the Fire Marshal, all other City departments and divisions are authorized to assist them in enforcing this Chapter

(Ord. 1787 §2, 1996)

8.12.040 Fireworks Discharge, Penalties

Any person who violates any portion of this ordinance shall be subject to having their fireworks confiscated as provided for in RCW 70.77.435, and shall be guilty of a civil violation and penalty as provided in TMC Chapter 8.45.

(Ord. 1787 §3, 1996)

CHAPTER 8.16

FIRE PROTECTION

Sections:

- 8.16.010 Interference with Firefighters
- 8.16.020 Following Fire Apparatus
- 8.16.030 Driving Over Hose
- 8.16.040 Penalty

8.16.010 Interference with Firefighters

No one other than members of the Fire Department, except by direction of the Fire Chief, shall be permitted on the fire trucks, and no person shall in any way interfere with firefighters while on duty at a fire or at drill.

(Ord. 1363 §1 (part), 1985)

8.16.020 Following Fire Apparatus

The driver of any vehicle other than one on official business of the City shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(Ord. 1363 §1 (part), 1985)

8.16.030 Driving Over Hose

No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

(Ord. 1363 §1 (part), 1985)

8.16.040 Penalty

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 or by imprisonment in jail for a period not to exceed 90 days, or by both such fine and imprisonment.

(Ord. 1363 §1(part), 1985)

CHAPTER 8.20

FRAUDS, SWINDLES AND FALSE REPRESENTATIONS

Sections:

- 8.20.010 Frauds and Swindles
- 8.20.020 False Representations

8.20.010 Frauds and Swindles

The following statutes of the State of Washington, as now in effect or as may be subsequently amended or recodified, are hereby adopted by reference

- RCW 9.26A.100 Definitions.
- RCW 9.26A.110 Fraud in obtaining telecommunications service – Penalty.
- RCW 9.26A.120 Fraud in operating coin-box telephone or other receptacle.
- RCW 9.26A.130 Penalty for manufacture or sale of slugs to be used for coin.
- RCW 9.45.060 Encumbered, leased, or rented personal property – Construction.
- RCW 9.45.070 Mock auctions.
- RCW 9.45.080 Fraudulent removal of property.
- RCW 9.45.090 Knowingly receiving fraudulent conveyance.
- RCW 9.45.100 Fraud in assignment for benefit of creditors.
- RCW 9A.56.096 Theft of rental, leased, lease-purchased, or loaned property.
- RCW 9A.56.330 Possession of another's identification.
- RCW 9A.60.010 Definitions.
- RCW 9A.60.040 Criminal impersonation in the first degree.
- RCW 9A.60.045 Criminal impersonation in the second degree.
- RCW 9A.60.050 False certification.

(Ord. 2497 §2, 2016; Ord. 2049 §2, 2004; Ord. 1907 §1, 2000)

8.20.020 False Representations

The following statutes of the State of Washington are adopted by reference:

- RCW 9.38.010 False representation concerning credit.
- RCW 9.38.015 False statement by deposit account applicant.
- RCW 9.38.020 False representation concerning title.

(Ord. 1807 §1, 1997; Ord. 1363 §1 (part), 1985)

CHAPTER 8.21
GAMBLING OFFENSES

Sections:

8.21.010 Gambling Offenses – Enforcement

8.21.010 Gambling Offenses – Enforcement

The following statutes of the State of Washington, as presently constituted or hereinafter amended, are adopted by reference:

RCW 9.46.010 Legislative declaration.
RCW 9.46.0201 "Amusement game."
RCW 9.46.0205 "Bingo."
RCW 9.46.0209 "Bona fide charitable or nonprofit organization."
RCW 9.46.0213 "Bookmaking."
RCW 9.46.0217 "Commercial stimulant."
RCW 9.46.0221 "Commission."
RCW 9.46.0225 "Contest of chance."
RCW 9.46.0229 "Fishing derby."
RCW 9.46.0233 "Fund raising event."
RCW 9.46.0237 "Gambling."
RCW 9.46.0241 "Gambling device."
RCW 9.46.0245 "Gambling information."
RCW 9.46.0249 "Gambling premises."
RCW 9.46.0253 "Gambling record."
RCW 9.46.0257 "Lottery."
RCW 9.46.0261 "Member," "bona fide member."
RCW 9.46.0265 "Player."
RCW 9.46.0269 "Professional gambling."
RCW 9.46.0273 "Punch boards," "pull-tabs."
RCW 9.46.0277 "Raffle."
RCW 9.46.0282 "Social card game."
RCW 9.46.0285 "Thing of value."
RCW 9.46.0289 "Whoever," "person."
RCW 9.46.190 Violations relating to fraud or deceit.
RCW 9.46.193 Cities and towns – Ordinance adopting certain sections of chapter – Jurisdiction of courts.
RCW 9.46.195 Obstruction of public servant – Penalty.
RCW 9.46.196 Cheating – Defined.
RCW 9.46.1962 Cheating in the second degree.
RCW 9.46.198 Working in gambling activity without license as violation – Penalty.
RCW 9.46.210 Enforcement – Commission as a law enforcement agency.
RCW 9.46.215 Ownership or interest in gambling device – Penalty – Exceptions.
RCW 9.46.217 Gambling records – Penalty – Exceptions.
RCW 9.46.222 Professional gambling in the third degree.
RCW 9.46.231 Gambling devices, real and personal property – Seizure and forfeiture.

RCW 9.46.235 Slot machines, antique – Defenses concerning – Presumption created.
RCW 9.46.240 Gambling information, transmitting or receiving.
RCW 9.46.250 Gambling property or premises – Common nuisances, abatement – Termination of interests, licenses – Enforcement.
RCW 9.46.260 Proof of possession as evidence of knowledge of its character.
(Ord. 2099 §1, 2005)

CHAPTER 8.22

NOISE

Sections:

8.22.010	Purpose
8.22.020	Definitions
8.22.030	General Powers of the Administrator
8.22.040	Measurement of Sound
8.22.050	Maximum Permissible Sound Levels
8.22.060	Muffler Requirements
8.22.070	Modification of Motor Vehicles
8.22.080	Tire Noise
8.22.090	Motor Vehicle Exemptions
8.22.100	Sounds Exempt at all Times
8.22.110	Sounds Exempt During Daytime Hours
8.22.120	Variances
8.22.130	Extension
8.22.140	Fees for Variances
8.22.150	Violation – Penalty
8.22.160	Liability

8.22.010 Purpose

It is the express purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

(Ord. 2293 §2, 2010)

8.22.020 Definitions

As used in this chapter, the following terms shall have the meanings set forth in this section, unless a different meaning is clearly indicated by the context in which the term is used. Terms not defined herein shall be interpreted using the meaning they have in common usage and to give this chapter its most reasonable application.

1. **“Administrator”** means the Director of Community Development, the Chief of Police, or their designee, including the Hearing Examiner.

2. **“Affected tenant”** means a business located within a required public notice area which conducts business or maintains open hours during the time period in which a noise variance is sought. For example, businesses closed during the night are not affected tenants when a nighttime noise variance is sought. “Affected tenants” refers to business tenants only and not residential tenants.

3. **“Audio equipment”** means compact disc players, radios, stereo systems, televisions, video cassette recorders, mp3 players and other such devices.

4. **“Commercial music”** means music originating from or in connection with the operation of any commercial establishment or enterprise.

5. **“Construction”** means any site preparation, assembly, erection, demolition, substantial repair, alteration, or similar action for or of public or private rights-of-way, structures, utilities or similar property.

6. **“Daytime”** means 7AM-10PM, Monday through Friday and 8AM-10PM, Saturday, Sunday and State-recognized holidays.

7. **“dB(A)”** means the sound level measured in decibels, using the A-weighting network.

8. **“District”** or **“noise control district”** means the land use zones to which the provisions of this chapter are applied. For the purposes of this chapter:

a. **“Residential district”** includes zones designated as LDR, MDR and HDR;

b. **“Commercial district”** includes zones designated as MUO, O, RCC, NCC, RC, RCM, TUC, C/LI and TVS; and

c. **“Industrial district”** includes zones designated as LI, HI, MIC/L and MIC/H.

9. **“Emergency work”** means work required to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger, or work required to restore property to a safe operating condition following a weather event, or work by private or public utilities for restoring immediately necessary utility service.

10. **“Equipment”** means any stationary or portable device or any part thereof capable of generating sound.

11. **“Motorcycle”** means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except that farm equipment and vehicles powered by engines of less than five horsepower shall not be included.

12. **“Motor vehicle”** means any vehicle that is self-propelled, used primarily for transporting persons or property upon public highways, and required to be licensed under RCW 46.16.010. (Aircraft, watercraft and vehicles used exclusively on stationary rails or tracks are not “motor vehicles” as the term is used herein.)

13. **“Motor vehicle sound systems”** means audio equipment installed or used in a motor vehicle.

14. **“Muffler”** means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and designed to reduce the sound resulting therefrom.

15. **“Nighttime”** means 10pm-7am, Monday through Friday and 10pm-8am, Saturday, Sunday and State-recognized holidays.

16. **“Noise”** means the intensity, duration and character of sounds from any and all sources.

17. **“Noise sensitive unit”** means real property used as a residence, school, church, hospital or public library. Property located in an industrial or commercial zone is not a noise sensitive unit unless it meets the above criteria.

18. **"Person"** means any individual, firm, association, partnership, corporation or any other entity, public or private.

19. **"Plainly audible"** means sound made by a sound-producing source that can be heard by a person using their unaided hearing faculties. Plainly audible sound includes any component of sound, including but not limited to, rhythmic bass or comprehensible musical rhythms. It is not necessary for such person to be able to determine the title, specific words or artist of music or the content of any speech for the sound to be considered "plainly audible."

20. **"Public highway"** means the entire width between the boundary lines of every way publicly maintained by the Washington State Department of Transportation (WSDOT) or any county or city, when any part thereof is generally for the use of the public for purposes of vehicular travel or a matter of right.

21. **"Real property"** means an interest or aggregate of rights in land that is guaranteed and protected by law; for purposes of this chapter, the term "real property" includes a leasehold interest.

22. **"Receiving property"** means real property within which the maximum permissible sound levels specified herein shall not be exceeded from sources outside such property. Individual offices or dwelling units within a building may constitute a receiving property.

23. **"Residence"** means a building regularly or intermittently occupied by a person for dwelling, lodging or sleeping purposes.

24. **"Residential party"** means a social gathering held in a place of residence.

25. **"Sound level"** means the weighted sound pressure level measured by the use of a metering characteristic and weighted as specified in American National Standards Institute Specifications, Section 1.4-1971.

26. **"Sound level meter"** means a sound level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications, ANSI S1.4-1983.

27. **"Sound-producing source"** means anything that is capable of making sound. Sound-producing source includes, but is not limited to, the following:

- a. air conditioning or heating units, heat pumps, refrigeration units (including those mounted on vehicles) and swimming pool or hot tub pumps;
- b. air horns, bells or sirens;
- c. audio equipment;
- d. domestic tools, including chain saws, electric drills, electric saws, hammers, lawn mowers, leaf/snow blowers, and similar tools and devices;
- e. loudspeakers or public address systems;
- f. musical instruments;
- g. human voice;
- h. animal sounds;
- i. mechanical or electrical noise;

j. vehicle engines or exhaust systems, other than regular traffic upon a highway, road or street;

k. residential party;

l. motor vehicle sound systems; or

m. commercial music

28. **"Warning device"** means any device intended to provide public warning of potentially hazardous, emergency or illegal activities, including, but not limited to, a burglar alarm or vehicle backup signal, but not including any fire alarm.

(Ord. 2293 §3, 2010)

8.22.030 General Powers of the Administrator

A. Subject to the provisions of this code, the administrator may take such action as may be necessary to abate a sound-producing source that causes or may cause, by itself or in combination with any other sound-producing source or sources, an unreasonable or prohibited noise. The administrator may exercise or delegate any of the functions, powers and duties vested in him or her or in the department by this chapter.

B. The administrator may promulgate such rules as are necessary to effectuate the purposes of this chapter, including but not limited to, rules setting forth specifications for the operation, installation, best available technology, or manufacture of sound generating equipment or devices or sound mitigation equipment or devices.

C. The administrator may promulgate such rules as are necessary with regard to standards and procedures to be followed in the measurement of sound pressure levels governed by the provisions of this chapter.

D. The administrator shall have the power to issue notices of violation for violations of this chapter.

(Ord. 2293 §4, 2010)

8.22.040 Measurement of Sound

A. The use of a sound level meter is not required to verify a noise violation.

B. If the measurement of sound is made with a sound level meter, it shall be an instrument in good operating condition and shall meet the requirement for a Type I or Type II instrument, as described in American National Standards Institute Specifications, ANSI S1.4-1983. If the measurements are made with other instruments or assemblages of instruments, the procedure must be carried out in such a manner that the overall accuracy shall be at least that called for in ANSI S1.4-1983 for Type II instruments.

(Ord. 2293 §5, 2010)

8.22.050 Maximum Permissible Sound Levels

It is a violation to produce sound in excess of the permissible sound levels established by this chapter.

1. No person may produce or permit to be produced sound that exceeds the following maximum permissible sound levels when measured at or within the boundary of a receiving property:

District of Sound Producing Source	District of Receiving Property			
	Residential Daytime	Residential, Nighttime	Commercial	Industrial
Residential	55 dB(A)	45 dB(A)	57 dB(A)	60 dB(A)
Commercial	57 dB(A)	47 dB(A)	60 dB(A)	65 dB(A)
Industrial	60 dB(A)	50 dB(A)	65 dB(A)	70 dB(A)

2. At any hour of the day or night, the applicable noise limitations above may be exceeded for any receiving property by no more than:

- a. 5 dB(A) for a total of 15 minutes in any one-hour period;
- b. 10 dB(A) for a total of 5 minutes in any one-hour period; or
- c. 15dB(A) for a total of 1.5 minutes in any one-hour period.

3. The following also exceeds the maximum permissible sound levels:

a. In all districts of the City, no sound from a sound-producing source is permitted that is:

1) plainly audible from a motor vehicle sound system at a distance of at least 50 feet from the vehicle itself; or

2) plainly audible commercial music at a distance of at least 50 feet from the property line of the commercial establishment; or

3) plainly audible during nighttime hours from within a noise-sensitive unit of the receiving property; and

b. When the receiving property is in a residential district, no sound from a sound-producing source is permitted that is plainly audible at a distance of at least 50 feet from the exterior of a sound-producing source, including sounds created by any motor vehicle operated off public highways.

(Ord. 2293 §6, 2010)

8.22.060 Muffler Requirements

It is unlawful for any person to operate or for any owner to permit any person to operate any motor vehicle upon the public highways that is not equipped with a muffler in good working order and in constant operation.

(Ord. 2293 §7, 2010)

8.22.070 Modification of Motor Vehicles

It is unlawful for any person to operate a vehicle that has been modified or changed in any way or has had installed any device thereon in any manner that permits sound to be emitted by the motor vehicle in excess of the limits prescribed by this chapter. It is unlawful for any person to remove or render inoperative or cause to be removed or rendered inoperative (other than for purposes of maintenance, repair or replacement) any muffler or sound dissipative device on a motor vehicle that is operated on the public highway.

(Ord. 2293 §8, 2010)

8.22.080 Tire Noise

It is unlawful for any person to operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such sound from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason; provided, that sound resulting from emergency braking to avoid imminent danger shall be exempt from this section.

(Ord. 2293 §9, 2010)

8.22.090 Motor Vehicle Exemptions

Sounds created by motor vehicles operated on public highways are subject to the provisions of TMC Sections 8.22.060 through 8.22.080 and are exempt from TMC Section 8.22.050. However, sounds created by motor vehicles operated off public highways and motor vehicle audio systems operated anywhere are subject to the provisions of TMC Section 8.22.050.

(Ord. 2293 §10, 2010)

8.22.100 Sounds Exempt at all Times

A. The following sound-producing sources are exempt from the provisions of this chapter at all times:

1. Aircraft in flight and sounds that originate at airports that are directly related to flight operations.

2. Safety and protective devices, such as relief valves and fire alarms, where noise suppression would defeat the intent of the device.

3. Systems used to warn the community of an imminent public danger or attack, such as flooding, explosion or hurricane.

4. Emergency equipment activated in the interest of law enforcement, activated to perform emergency work as defined in TMC Section 8.22.020, or activated in response to a power outage where it is necessary to activate such equipment to preserve the health and safety of persons or to prevent harm to property.

5. Warning devices not operated continuously for more than five minutes per incident.

6. The operation of equipment or facilities of surface carriers engaged in commerce by railroad.

7. Natural phenomena.

8. City-sanctioned parades, sporting events and other City-sanctioned public events.

9. Sounds created by equipment used for public highway maintenance and construction, provided the receiving property is located in a commercial or industrial district of the City and provided that the applicant shall provide written notice to all residents within 500 feet of the project including all residents of multi-family complexes. Notice shall be provided between ten and thirty days of the onset of construction activity and shall enumerate the anticipated construction schedule for the length of the project. An affidavit of distribution shall be provided to the City.

10. Sounds created by existing or new electrical substations and existing or new stationary equipment used in the conveyance of water, waste water and natural gas by a utility are exempt from the nighttime reduction of TMC Section 8.22.050(B) only.

B. Nothing in these exemptions is intended to preclude the administrator from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of such requirement shall be subject to the provisions of RCW 34.05.

(Ord. 2293 §11, 2010)

8.22.110 Sounds Exempt During Daytime Hours

A. The following sound-producing sources are exempt from the provisions of this chapter during daytime hours:

1. Aircraft engine testing and maintenance not related to flight operations, provided that aircraft testing and maintenance shall be conducted at remote sites whenever possible.

2. Bells, chimes or carillons operating for not more than five minutes in any one hour.

3. Sounds created by construction or the movement of construction-related materials, including but not limited to, striking or cutting sounds from hammers, saws or equipment with electrical or internal combustion engines emanating from temporary construction sites.

4. Sounds created by hand or powered equipment used in temporary or periodic maintenance or repair of property, uses or structures, including but not limited to, lawnmowers, powered hand tools, snow removal equipment, and composters.

5. Sounds created by the installation or repair of essential utility services.

6. Sounds created by equipment used for public highway maintenance and construction.

7. The testing of emergency back-up generators or other emergency equipment.

B. Sounds originating from the discharge of firearms on shooting ranges authorized under State and local law are exempt from the provisions of this chapter between 7AM and 9PM, Monday through Friday and 8AM and 6PM, Saturday, Sunday and State-recognized holidays.

C. Nothing in these exemptions is intended to preclude the administrator from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of such requirement shall be subject to the provisions of RCW 34.04.

(Ord. 2293 §12, 2010)

8.22.120 Variances

A. Any person who owns or operates a sound-producing source may apply for a variance.

B. Application types are based on the number of days/nights the sound source will exceed the maximum permissible sound levels as shown in the following table:

<i>Number of days/nights maximum permissible sound level may be exceeded within a 12-month period</i>	<i>Variance Permit Type</i>	<i>Notice of Application Requirements</i>	<i>Public Hearing Requirements</i>
<i>30 days or less</i>	<i>Type 1 Administrative Variance</i>	<i>No notice ^(2,3)</i>	<i>No Hearing</i>
<i>31-60 days</i>	<i>Type 2 Administrative Variance</i>	<i>Mailed notice ^(1,2)</i>	<i>No Hearing</i>
<i>More than 60 days</i>	<i>Type 3 Variance</i>	<i>Mailed notice ^(1,2)</i>	<i>Public Hearing</i>

(1) Mailed notice shall be provided per TMC Section 18.104.120 with the exception that tenants that are not affected tenants per TMC Section 8.22.020 are not required to be sent notice.

(2) The administrator shall have the discretion in unusual circumstances (i.e., unusual type or intensity of noise or length of request) to require (additional) public notification procedures, such as causing notice to be published on the City's website, mailed notice provided to a wider geographic area, and/or notice posted at the site.

(3) In the case of residential parties and prior to granting any variance, the applicant shall provide written notice to all residents within 500 feet of where the party or project is being held. When the 500 foot radius includes multi-family complexes, all residents of the complex shall be notified. Written notice shall be provided between 10 and 30 days of the onset of activity and shall enumerate the anticipated party hours or work schedule for the length of the project. An affidavit of distribution shall be provided to the City.

C. Variance types, procedures and appeals are pursuant to Title 18 of the Tukwila Municipal Code.

D. Applications for a variance to exceed the maximum permissible sound levels shall supply information, including but not limited to:

1. The nature, source, intensity and location of the sound;
2. The hours during the day and/or night the noise will occur;

3. The number of days and/or nights the noise will occur;
4. The ambient sound level during the time of day or night for which the variance is being sought;
5. The time period for which the variance is requested;
6. The reason for which the noise violation cannot be avoided;
7. Mitigating conditions the applicant will implement to minimize the sound level violations;
8. The name, address and means of contacting a responsible party during the hours of operation for which the variance is requested; and
9. Any additional information or studies regarding any aspect of the requested variance that is deemed necessary to complete the review of the variance request.

E. No variance in the provisions or requirements of this chapter shall be authorized by the administrator unless the administrator finds that all of the following facts and conditions exist:

1. There are exceptional or extraordinary circumstances or conditions applying to the appellant's property or as to the intended use thereof that do not apply generally to other properties in the same noise control district;
2. Such variance is necessary for the preservation and enjoyment of a substantial personal or property right of the appellant, such right being possessed by the owners of other properties in the same noise control district;
3. The authorization of such variance does not endanger public health or safety of named persons in the same or adjacent noise control districts;
4. The granting of such variance will not adversely affect the general policy and purpose of this act as set forth in TMC Section 8.22.010.

F. In authorizing a variance, the administrator may attach thereto such conditions regarding noise level, duration, type and other considerations as the administrator may deem necessary to carry out the policy and purpose of this chapter. The variance permit shall enumerate the conditions of the variance, including but not limited to:

1. Specific dates and times for which the variance is valid;
2. Additional mitigation measures or public notice requirements as determined by the administrator.
3. If the notice of application is for a sound generating event that does not start within thirty days of the notice, the applicant shall provide written notice to all residents within 500 feet of the project including all residents of multi-family complexes. Written notice shall be provided between ten and thirty days of the onset of activity and shall enumerate the anticipated work schedule for the length of the project. An affidavit of distribution shall be provided to the City.

G. In establishing conditions on granting a variance, the administrator shall consider:

1. Whether the public health, safety or welfare is impacted;
2. The social and economic value of the activity for which the variance is sought;
3. The ability of the applicant to apply best practical noise control measures;
4. Physical conditions that create a significant financial hardship in complying with the provisions of this chapter; and
5. Any comments received during public notice or public meeting, if provided, and comment or lack of comment received during similar noise generating events in the past.

H. The variance permit may be revoked by the administrator and the issuance of future variance permits withheld, if there is:

1. Violation of one or more conditions of the variance permit;
2. Material misrepresentation of fact in the variance application; or
3. Material change in any of the circumstances relied upon by the administrator in granting the variance.

(Ord. 2370 §1, 2012; Ord. 2293 §13, 2010)

8.22.130 Extension

A. Variances granted pursuant to this chapter may be extended on terms and conditions applicable to the initial granting of the variance.

B. If granted for a shorter timeframe than otherwise allowed under the permit type, the holder of a variance permit may request one or more extensions.

C. Prior to granting an extension, the administrator shall consider any comment or lack of comment received during the initial variance period.

D. The administrator may request any information deemed necessary to the consideration of the extension, including but not limited to noise monitoring reports and an updated assessment demonstrating there are no practical means known or available for the adequate abatement or control of the noise involved.

E. Any request for an extension shall be submitted in writing and received by the administrator at least 15 days prior to expiration of a Type 1 or 2 variance and at least 30 days prior to the expiration of a Type 3 variance.

F. A request for an extension does not require re-noticing or a public hearing, but may be required by the administrator.

(Ord. 2293 §14, 2010)

8.22.140 Fees for Variances

An application fee and charges shall be paid at the time the variance application is filed with the City. The fees and charges shall be per the Land Use Fee Schedule most recently adopted by the City Council.

(Ord. 2293 §15, 2010)

8.22.150 Violation – Penalty

A. Every person, entity, firm or corporation who is determined to be in violation of this chapter has committed a civil infraction and shall be subject to the provisions of TMC Section 8.45.050. The monetary penalties are set forth below:

1. First civil penalty, \$250.00.
2. Second civil penalty, \$500.00.
3. Third and subsequent violations shall be misdemeanors, the maximum penalty for which shall be 90 days in jail or a fine of \$1,000.00 or both fine and imprisonment.

4. At such time that two civil penalties have been assessed within a one-year period, City-issued permits and/or licenses for the site or the site activity may be suspended or revoked until the condition is corrected.

5. Each day that a property or person is not in compliance with the provisions of this chapter may constitute a separate violation of this chapter.

B. The administrator may waive or reduce monetary penalties if findings are made demonstrating that the noise violation has been remedied.

C. The owners, agents, contract buyers, tenants or lessees of all residential dwellings, commercial establishments, and or real estate upon which a violation of this chapter is found shall be jointly and severally responsible for compliance with this chapter and jointly and severally liable for any damages or costs incurred or imposed under this chapter.

D. The penalties set forth in this chapter are not exclusive. The City may avail itself of any other remedies provided by law.

(Ord. 2293 §16, 2010)

8.22.160 Liability

Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, its officers, employees or agents for any injury or damage resulting from the failure of anyone to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement pursuant to this chapter, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its officers, employees or agents.

(Ord. 2293 §17, 2010)

CHAPTER 8.24

JUNK VEHICLES AND IMPROPER STORAGE OF VEHICLES

Sections:

8.24.010	Definitions
8.24.020	Storage of Junk Vehicles Prohibited
8.24.030	Violation Notification Process
8.24.040	Hearing
8.24.050	Order of the Hearing Examiner–Violation
8.24.060	Monetary Penalty
8.24.070	Recovery of Costs and Penalties–Liens
8.24.080	Repeat Violators

8.24.010 Definitions

As used in TMC Chapter 8.24, the following definitions shall have the meanings set forth below:

1. *"Code Enforcement Officer"* is Tukwila's Code Enforcement Officer or his or her designee as set forth in TMC 8.45.040, or an officer of the Tukwila Police Department.
2. *"Hearing Examiner"* is that person authorized by TMC Chapter 2.76 to hear appeals and other matters as set forth therein, or his or her designee.
3. *"Junk vehicle"* is a vehicle that meets three or more of the following requirements:
 - a. Is three years old or older;
 - b. Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield; or missing wheels, tires, motor, or transmission;
 - c. Is apparently inoperable;
 - d. Is without valid, current license plates or is unregistered; or
 - e. Has an approximate fair market value equal only to the approximate value of the scrap in it.

"Junk vehicle" also includes a partially disassembled vehicle or individual parts of vehicles no longer attached to one another.
4. *"Repeat violator"* is a person, entity or agent thereof, who has received a Civil Infraction Citation, a Notice of Violation, or any combination thereof for the same property two times within one calendar year.

(Ord. 2045 §1 (part), 2004)

8.24.020 Storage of Junk Vehicles Prohibited

It is unlawful for any person to keep, store or park, or permit any other person to keep, store or park, any junk vehicle upon any privately-owned property in the City of Tukwila. This ordinance shall not apply to:

1. A junk vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or,

2. A junk vehicle or part thereof that is stored or parked in a lawful manner on private property, in connection with the business of a licensed dismantler or licensed vehicle dealer, and is fenced pursuant to the Revised Code of Washington Title 46, Chapter 80, Section 130.

(Ord. 2045 §1 (part), 2004)

8.24.030 Violation Notification Process

A two-tiered system of enforcement is authorized pursuant to TMC Chapter 8.24. The Code Enforcement Officer is authorized to use either system of enforcement in its discretion, and nothing in TMC 8.24.030 shall require the Code Enforcement Authority to proceed under a particular system.

1. The Code Enforcement Officer is authorized to issue and serve a Civil Infraction Citation pursuant to TMC 8.45.050C, or a Notice of Violation pursuant to TMC 8.45.050D, upon reasonable belief that a violation of one or more provisions of TMC Chapter 8.24 has occurred.

2. The Civil Infraction Citation or Notice of Violation shall be issued to the property owner of record upon which land, as shown on the last equalized assessment roll, a vehicle deemed to be in violation of TMC Chapter 8.24 is located; and to the last registered and legal owner of record of such vehicle, unless the vehicle is in such condition or location that identification numbers are not available or accessible by the Code Enforcement Officer to determine ownership.

3. The Civil Infraction Citation or Notice of Violation shall be delivered by mailing a copy of the Civil Infraction Citation to such person, at his/her last known address as determined by the Code Enforcement Officer.

4. A Civil Infraction Citation shall contain substantially the following information:

- a. The name and address of the person to whom the citation is issued;
- b. The location of the subject property by address, or other description sufficient for identification of the subject property;
- c. A description of the vehicle and its location;
- d. Instructions for requesting a contested hearing or mitigation hearing before the Municipal Court, and a statement that if any of the persons to whom the Civil Infraction Citation is issued wish to contest the violation or request a mitigation hearing, they must request that hearing pursuant to said instructions;

- e. A statement that if the persons to whom the Civil Infraction Citation is issued fail to respond, fail to appear at the hearing or, in the case of a contested hearing, fail to demonstrate at the hearing that the citation should not be sustained, the Court shall impose fines pursuant to TMC 8.24.060; and

- f. A statement that the owner of the land upon which the vehicle is located may provide a written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the land, with his or her reasons for the denial, as provided in TMC 8.24.040.

5. A Notice of Violation shall contain substantially the following information:

a. The name and address of the person to whom the Notice of Violation is issued;

b. The location of the subject property by address or other description sufficient for identification of the subject property;

c. A description of the vehicle and its location, and the reasons for which the City deems it to be a public nuisance in violation of TMC Chapter 8.24;

d. A statement of the corrective action that the Code Enforcement Officer believes necessary to comply with the provisions of TMC Chapter 8.24, and a date by which compliance is required in order to avoid further enforcement action by the Code Enforcement Officer;

e. A statement that if any of the persons to whom the Notice of Violation is issued wish to contest the Notice of Violation, they must request a hearing before the Hearing Examiner pursuant to TMC 8.24.040;

f. A statement that if the persons to whom the Notice of Violation is issued fail to complete the corrective action and provide notice of same to the Code Enforcement Officer by the date for compliance specified in the Notice of Violation, fail to appear at the hearing, or fail to demonstrate at the hearing that the Notice of Violation should not be sustained, the City or its designee shall remove, impound and dispose of or sell the vehicle, and will assess all costs of administration and removal against the owner of the property upon which the vehicle is located or otherwise attempt to collect such costs from the owner of the vehicle; and

g. A statement that the owner of the land upon which the vehicle is located may provide a written statement, in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land with his or her reasons for the denial, as provided in TMC 8.24.040.

(Ord. 2045 §1 (part), 2004)

8.24.040 Hearing

A hearing on a Notice of Violation shall be held before the Hearing Examiner in accordance with the provisions set forth in TMC 8.45.090, and the Hearing Examiner shall have the same powers as set forth therein. The time limit for an appeal of a Notice of Violation is ten days as set forth in TMC 8.45.090A. If a request for a hearing is received, a notice giving the time, location and date of the hearing shall be mailed, by certified mail with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll, and to the vehicle's last registered and legal owner of record, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his or her reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he/she has not subsequently given consent without protest in the presence of the vehicle, then the Hearing Examiner shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the property owner.

(Ord. 2045 §1 (part), 2004)

8.24.050 Order of the Hearing Examiner–Violation

The decision issued by the Hearing Examiner shall be issued and sent to the persons named in the Notice of Violation pursuant to TMC 8.45.090C. Thereafter, violation of TMC Chapter 8.24 shall constitute a misdemeanor, and a separate misdemeanor shall be committed for each day that an order is violated.

(Ord. 2045 §1 (part), 2004)

8.24.060 Monetary Penalty

The monetary penalty for the first and second Civil Infraction Citation issued pursuant to TMC Chapter 8.24 shall be assessed in the amounts set forth in TMC 8.45.100A.1. The monetary penalty for violation of the Notice of Violation issued pursuant to TMC Chapter 8.24 shall be assessed in the amounts set forth in TMC 8.45.100A.2.(a). Payment of a monetary penalty pursuant to TMC Chapter 8.24 does not relieve the person(s) to whom the civil infraction citation was issued of the duty to correct the violation or preclude the City from taking action to abate the situation as provided herein. The monetary penalty constitutes an obligation of the person(s) to whom the Civil Infraction Citation or Notice of Violation is issued. Any monetary penalty assessed must be paid to the City within fifteen calendar days of the effective date of the violation's Hearing Examiner's order.

(Ord. 2045 §1 (part), 2004)

8.24.070 Recovery of Costs and Penalties–Liens

A. After a Notice of Violation or Notice of Repeated Violation has been served pursuant to TMC 8.24.030C, a hearing shall be held if requested by the violator or pursuant to TMC 8.24.080. If the violation is sustained during the hearing, or where no hearing is requested, or the violator fails to appear at the hearing, a junk vehicle shall be removed by a registered disposer pursuant to TMC 9.32.100, and disposed of at the request of the Code Enforcement Officer. The Code Enforcement Officer shall provide notice to the Washington State Patrol and the Washington State Department of Licensing if the vehicle has been disposed of.

B. After a Civil Infraction Citation has been served pursuant to TMC 8.24.030C, a hearing shall be held before the Municipal Court. If the violation is sustained during the hearing, or the violator fails to appear at the hearing, a fine shall be imposed pursuant to TMC 8.24.060.

C. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner – in the transfer of ownership of the vehicle – has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored, subject to TMC 8.24.070E.

D. The impounding of a vehicle shall not preclude charging the violator with any violation of the law through which such vehicle was impounded.

E. The City is authorized to take action to collect the monetary penalty, including filing civil actions or turning the matter over to collection, in which case costs incurred by the City as a result of the collection process shall be assessed to the violator in addition to the monetary penalty. Any such assessment shall be offset by the amount received by the City for sale of the junk vehicle or improperly stored vehicle, if any.

F. In addition to, or in lieu of, any other State or local provisions for the recovery of costs or penalties incurred or assessed under TMC Chapter 8.24, the City Treasurer may, pursuant to RCW 35.80.030(1)(h), certify to the King County Treasurer an assessment amount equal to the cost of removal of the junk vehicle and/or any associated penalties and collections to the tax rolls against the property for the current year, and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020. The assessment certified by the City Treasurer shall be offset by the amount received by the City for sale of the junk vehicle, if any.

(Ord. 2045 §1 (part), 2004)

8.24.080 Repeat Violators

If a person is a repeat violator as defined in TMC 8.24.010, the Code Enforcement Officer shall issue a Notice of Repeated Violation. A Notice of Repeated Violation shall be issued and served as provided in TMC 8.24.030C, but need not include a description of the corrective action necessary to eliminate the violation or a date by which the corrective action must be completed to avoid a hearing before the violation's Hearing Examiner. The Notice of Repeated Violation shall notify the person receiving the notice that due to the repeat nature of his/her violations, the Code Enforcement Officer shall seek an order from the Hearing Examiner, at the date and time set forth in the citation, granting any and all relief to which the City is entitled under TMC Chapter 8.24.

(Ord. 2045 §1 (part), 2004)

CHAPTER 8.25

**VEHICLE STORAGE AND PARKING ON
SINGLE-FAMILY RESIDENTIAL PROPERTY**

Sections:

- 8.25.010 Definitions
 - 8.25.020 Parking Limitations
-

8.25.010 Definitions.

"Approved Durable Uniform Surface" is a durable uniform surface approved for the storage of vehicles by the City of Tukwila, and should consist of one of the following:

1. Two inches of 5/8 minus compacted rock, provided mud or other fine material do not work their way to the surface of the rock. Alternate sized minus compacted rock may be used upon approval by the City; or
2. Concrete (4" Portland cement concrete) over gravel section as described in Section 8.25.010; or
3. Blacktop (2" asphalt concrete pavement) over gravel section as described in Section 8.25.010; or
4. Any other configuration of materials, approved by the City, that maintains a durable uniform surface.

(Ord. 2056 §1 (part), 2004)

8.25.020 Parking Limitations.

A. The requirements of TMC Chapter 8.25 apply to the storage and parking of vehicles on properties devoted to single-family residential use.

B. Motor vehicles on property devoted to single-family residential use shall be parked on an approved durable uniform surface. Motor vehicles, other than those specified in TMC 8.25.020C, shall not be parked in setbacks except in front yard or side street setbacks when in a driveway that provides access to an approved parking location and is in conformance with TMC Title 18, as that title currently exists or as it may be subsequently amended. Parking in the rear setback of a single family-home is permitted where the parking is connected to a rear alley.

C. Recreational vehicles, boats or trailers shall be parked, kept or stored on an approved durable uniform surface and shall not be parked, kept or stored in required front yard setbacks, except for a driveway. Recreational vehicle parking in the side or rear yard setbacks is allowed, provided no recreational vehicle is parked so as to prevent access by emergency responders to all sides of a structure.

D. Approved durable uniform surfaces outside of structures on-site may cover a maximum of 1,200 square feet or 10% of the lot surface, whichever is greater. The Director of Community Development may approve exceptions to this requirement for an access driveway, particularly on lots where there is a need for a long driveway.

E. No more than 50% of the front yard or 800 square feet, whichever is smaller, may be approved durable uniform surface. An approved durable uniform surface exceeding this requirement prior to August 25, 2004 may be maintained, but shall not be expanded. The Director of Community Development may approve exceptions to this requirement for an access driveway, particularly on pie-shaped or other odd shaped lots where it is infeasible to meet this requirement.

F. Single-family properties on pre-existing, legal lots of record containing less than 6,500 square feet are exempt from the percentages noted in TMC Section 8.25.020, subparagraphs D and E.

G. No more than six motor vehicles shall be parked on a single-family residential property of 13,000 square feet or less outside of a carport or enclosed garage for a period of more than 48 hours. For purposes of this section, "single-family residential property" means any parcel containing a single-family residence or multiple parcels combined containing one single-family residence, typically identified by a single address located in the Low Density zone. The parking limitations in this subsection shall apply to all motor vehicles as defined by state law with the exception of motorcycles and mopeds.

*(Ord. 2495 §1, 2016; Ord. 2371 §1, 2012;
Ord 2251 §1 (part), 2009; Ord. 2056 §1 (part), 2004)*

CHAPTER 8.27

CHRONIC NUISANCE PROPERTIES

Sections:

8.27.010	Definitions
8.27.020	Violation
8.27.030	Investigation, Civil Infraction, and Violation Notice and Order
8.27.040	Time in Which to Comply
8.27.050	Owner Cooperation
8.27.060	Voluntary Correction Agreement and Limited Right to Enter Property
8.27.070	Appeal to Hearing Examiner
8.27.080	Penalties
8.27.090	Abatement by the City
8.27.100	Commencement of Action—Enforcement
8.27.110	Burden of Proof
8.27.120	Additional Remedies
8.27.130	Suspension or Revocation of Business License

8.27.010 Definitions

For purposes of this chapter, the following words or phrases shall have the meaning prescribed below:

A. *“Abate”* means to repair, replace, remove, destroy, or otherwise remedy a condition that constitutes a violation of this chapter by such means and in such a manner and to such an extent as the Chief of Police determines is necessary in the interest of the general health, safety and welfare of the community.

B. *“Chief of Police”* means the Chief of Police or his or her designees.

C. *“Control”* means the power or ability to direct or determine conditions, conduct, or events occurring on a property.

D. *“Chronic Nuisance Property”* means:

1. A property on which 3 or more nuisance activities as described in TMC Section 8.27.010(F) exist or have occurred during any 60-day period, or 7 or more nuisance activities have occurred during any 12-month period;

2. A property which, upon a request for execution of a search warrant, has been the subject of a determination by a court 2 or more times within a 12-month period that probable cause exists that illegal possession, manufacture or delivery of a controlled substance or related offenses as defined in RCW Chapter 69.50 has occurred on the property; or

3. In the case of any property on which an establishment that sells, imports, manufactures, or distributes alcohol is located, a property on which 3 or more “chronic illegal activities” as defined by RCW 66.24.010(12) have occurred during any 60-day period, or 7 or more such activities have occurred during any 12-month period.

E. *“Drug Related Activity”* means activity which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW.

F. *“Nuisance Activity”* includes:

1. A “most serious offense” as defined in RCW 9.94A;

2. A “drug related activity” as defined in TMC Section 8.27.010I;

3. Any of the following activities, behaviors or criminal conduct:

a. Assault, Reckless Endangerment, as defined in RCW 9A.36;

b. Stalking or Harassment, as defined in RCW 9A.46;

c. Disorderly Conduct, as defined in TMC Section 8.70.010;

d. Promoting, advancing or profiting from prostitution as defined in RCW 9A.88;

e. Prostitution, as defined in RCW 9A.88.030;

f. Permitting Prostitution, as defined in RCW 9A.88.090(1);

g. Prostitution Loitering, as defined in TMC Section 8.50.040;

h. Failure to Disperse, as defined in TMC Section 8.70.020;

i. Weapons violations, as defined in TMC Chapter 8.10;

j. Gang related activity, as defined in RCW 59.18.030(7).

G. *“Owner”* means any person who, alone or with others, has title or interest in any property.

H. *“Person”* means an individual, group of individuals, corporation, partnership, association, club, company, business trust, joint venture, organization, or any other legal or commercial entity or the manager, lessee, agent, officer or employee of any of them.

I. *“Person in Charge”* of a property means the owner, lessee, tenant, occupant, agent, manager of a property, and/or any other person in actual or constructive possession of a property.

J. *“Property”* means any land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof.

K. *“RCW”* means the Revised Code of Washington.

L. *“TMC”* means Tukwila Municipal Code.

(Ord. 2352 §1 (part), 2011)

8.27.020 Violation

A. Any property within the City of Tukwila that is a chronic nuisance property as defined in TMC Section 8.27.010 is in violation of this chapter and subject to its remedies.

B. It is the responsibility of all persons in charge to ensure that the provisions of this code are met on any property they own, possess, or control. Any persons in charge of a chronic nuisance property as defined in TMC Section 8.27.010 shall be in violation of this chapter and subject to its remedies.

C. An owner who fails to comply with TMC Section 8.27.050 is in violation of this chapter and is subject to penalties pursuant to TMC Section 8.27.080.

(Ord. 2352 §1 (part), 2011)

8.27.030 Investigation, Civil Infraction, and Violation Notice and Order

A. **Authority.** Upon presentation of proper credentials, the Chief of Police may, with the consent of any person in charge, or with other lawful authority, enter any building or premises in order to perform the duties imposed by this chapter.

B. **Investigation.** The Chief of Police may investigate any activity that he or she reasonably believes to be a nuisance activity as defined by TMC Section 8.27.010.

C. **Civil Infraction.** If, after investigation, or after the complaint of residents or others, the Chief of Police has probable cause to believe the applicable standards or requirements of the Tukwila Municipal Code have been violated, the Chief of Police may issue a civil infraction citation in accordance with RCW 7.80, which is incorporated herein by this reference, upon the person(s) in charge.

D. **Violation Notice and Order.** Alternatively, after investigation, or based upon the complaint of residents or others, the Chief of Police may serve a Violation Notice and Order upon the person(s) in charge. The Violation Notice and Order shall contain the following information:

1. A declaration that the Chief of Police has determined the property has become a chronic nuisance property and a concise description of the nuisance activities that exist or that have occurred.

2. What corrective action, if any, is necessary in order to remedy the nuisance activities.

3. A reasonable time for compliance.

4. A notice that the owner and other persons in charge of the property are subject to monetary penalties as set forth in TMC Section 8.27.080.

5. An explanation of the appeal process and the specific information required to file an appeal.

E. **Service of a Violation Notice and Order.** A Violation Notice and Order shall be served on the person(s) in charge by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. When a notice is issued pursuant to this section to a person in charge other than an owner or an owner's agent, who has permitted a property to become a chronic nuisance property, a copy of such notice shall also be served on the owner of the property. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the Chief of Police makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:

1. Publishing the notice once each week for two consecutive weeks in the City's official newspaper; and

2. Mailing a copy of the notice to each person named on the Violation Notice and Order by first class mail to the last known address if known or, if unknown, to the address of the property involved in the proceedings.

F. **Posting.** A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

G. **Amendment.** A Violation Notice and Order may be amended at any time in order to:

1. Correct clerical errors; or

2. Cite additional authority for a stated violation.

(Ord. 2352 §1 (part), 2011)

8.27.040 Time in Which to Comply

A. **Civil Infraction Citations.** Civil infraction citations will be issued and processed in accordance with RCW 7.80, which is incorporated herein by reference. The Tukwila Municipal Court shall have jurisdiction over all civil infraction citations issued under this chapter.

B. **Determination of Time for Compliance with Violation Notice and Order.** Persons receiving a Violation Notice and Order shall rectify the nuisance activity identified within the time period specified by the Chief of Police pursuant to Section 8.27.030(D) of this chapter.

C. **Order Becomes Final Unless Appealed.** Unless an appeal is filed with the Chief of Police for hearing before the Hearing Examiner in accordance with Section 8.27.070 of this chapter, the Violation Notice and Order shall become the final order of the Chief of Police. A copy of the notice may be filed and recorded with the King County Recorder.

(Ord. 2352 §1 (part), 2011)

8.27.050 Owner Cooperation

An owner who receives a copy of a violation notice and order pursuant to TMC Section 8.27.030(D) describing a chronic nuisance property permitted by a person in charge other than the owner or the owner's agent, shall promptly take all reasonable steps requested in writing by the Chief of Police to assist in abatement of the nuisance property. Such reasonable steps may include, but are not limited to, the owner taking all acts and pursuing all remedies, including pursuing eviction of the person(s) in charge, that are (1) available to the owner pursuant to any lease or other agreement, and (2) consistent with state and local laws, including but not limited to RCW 59.18.580, the Victim Protection Limitation on Landlord's Rental Decisions.

(Ord. 2352 §1 (part), 2011)

8.27.060 Voluntary Correction Agreement and Limited Right to Enter Property

A. **Applicability.** While it is the City's desire to obtain voluntary correction pursuant to TMC Chapter 8.27, compliance is not a prerequisite for pursuing any of the other remedies for correction in TMC Chapter 8.27, or any remedies available in law or equity. This section may apply whenever the Chief of Police determines that a chronic nuisance exists.

B. **General.** The Chief of Police may attempt to secure voluntary correction by contacting any person(s) in charge and explaining the violation and requesting correction.

C. **Voluntary Correction and Limited Right of Entry Agreement.** A Voluntary Correction and Limited Right of Entry Agreement is a contract between the City and any person(s) in charge of the chronic nuisance property in which such person agrees to promptly take all lawful and reasonable actions, which shall be set forth in the agreement, to abate the nuisance activities within a specified time and according to specified conditions. A Voluntary Correction and Limited Right of Entry Agreement may be entered into between the City of Tukwila—acting through the applicable department director—and the person in charge for resolution of the violation. A Voluntary Correction and Limited Right of Entry Agreement shall be signed by the person(s) in charge and, if different, the owner, and may include the following:

1. The name and address of the person(s) in charge;
2. The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
3. A description of the nuisance activities;
4. The necessary corrective action to be taken, and a date or time by which correction must be completed;
5. An agreement by the person(s) in charge that the City may inspect the premises as may be necessary to determine compliance with the Voluntary Correction and Limited Right of Entry Agreement;
6. An agreement by the person(s) in charge that the City may abate the nuisance and recover its costs and expenses and monetary penalties pursuant to this chapter from the person in charge if the terms of the correction agreement are not met; and
7. When a person in charge other than an owner or an owner's agent has permitted a property to be a chronic nuisance property, an agreement by the owner to promptly take all acts and pursue all remedies requested by the Chief of Police pursuant to TMC Section 8.27.050.

(Ord. 2352 §1 (part), 2011)

8.27.070 Appeal to Hearing Examiner

A. The person(s) incurring the penalty described in a Violation Notice and Order issued by the Chief of Police, pursuant to TMC Section 8.27.030(D), may obtain an appeal of the Notice by requesting such appeal within 10 calendar days after receiving or otherwise being served with the notice

pursuant to TMC Section 8.27.030I. When the last day of the period so computed is a Saturday or Sunday, or a Federal or City holiday, the period shall run until 4:30 PM the next business day. The request shall be in writing and include the applicable appeal fee. Upon receipt of the appeal request, the Chief of Police shall schedule an appeal hearing before the Hearing Examiner. Notice of the hearing shall be sent to the appellant and/or the person(s) named on the Violation Notice and Order under the procedures described in TMC Section 8.27.030I, or as may be otherwise requested by the appealing party.

B. The appeal fee for a Violation Notice and Order in an LDR zone shall be \$100.00, and in all other zones shall be \$200.00.

C. At or after the appeal hearing, the Hearing Examiner may:

1. Sustain the Violation Notice and Order;
2. Withdraw the Violation Notice and Order;
3. Continue the review to a date certain for receipt of additional information; or
4. Modify the Violation Notice and Order, which may include an extension of the compliance date.

D. The Hearing Examiner shall issue a written decision within 14 days of the date of the completion of the review and shall cause the same to be sent to the person(s) named on the Violation Notice and Order under the same procedures described in TMC Section 8.27.030I or as otherwise directed by the appealing party.

E. The decision of the Hearing Examiner shall be final and conclusive unless appealed. In order to appeal the decision of the Hearing Examiner, a person with standing to appeal must file a land use petition, as provided in RCW 36.70C, within 21 days of the issuance of the Hearing Examiner's decision. The cost for transcription of all records ordered certified by the Superior Court for such review shall be borne by the appellant.

(Ord. 2352 §1 (part), 2011)

8.27.080 Penalties

A. Violations of the Tukwila Municipal Code.

1. **Civil Infraction.** Any person in charge who violates or fails to comply with the provision of this chapter may be issued a civil infraction pursuant to TMC Section 8.27.030I. Each civil infraction shall carry with it a monetary penalty of \$100.00 for the first violation, \$175.00 for a second violation of the same nature or a continuing violation, and \$250.00 for a third or subsequent violation of the same nature or a continuing violation.

2. **Violation Notice and Order.**

a. Any person in charge who violates or fails to comply with the provision of this chapter may, in the alternative, be issued a Violation Notice and Order that shall carry with it a cumulative monetary penalty of \$500.00 per day from the date set for compliance until compliance with the Violation Notice and Order is achieved.

b. In addition to any penalty that may be imposed by the City, the persons in charge shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to the violation.

c. The penalty imposed by this section under a Violation Notice and Order may be collected by civil action brought in the name of the City. The Chief of Police may notify the City Attorney of the name of any person subject to the penalty, and the City Attorney may, with the assistance of the Chief of Police, take appropriate action to collect the penalty, including but not limited to attachment of a lien to the property.

d. The Chief of Police shall have the discretion to impose penalties in an amount lower than those set forth above.

3. An owner who fails to comply with TMC Section 8.27.040 is subject to a civil penalty of up to \$25,000.

B. **Additional Relief.** The Chief of Police may seek legal or equitable relief to enjoin any acts or practices and abate any condition that constitutes or will constitute a violation of the Tukwila Municipal Code. The remedies provided in TMC Chapter 8.27 are cumulative and shall be in addition to any other remedy provided by law.

C. **Continued Duty to Correct.** Payment of a monetary penalty pursuant to TMC Chapter 8.27 does not relieve the person to whom the infraction or Violation Notice and Order was issued of the duty to correct the violation.

(Ord. 2352 §1 (part), 2011)

8.27.090 Abatement by the City

A. **Abatement.** The City may abate nuisance or code violations when:

1. The terms of the Voluntary Correction and Limited Right of Entry Agreement have not been met; or

2. A Violation Notice and Order has been issued and the required correction has not been completed by the date specified in the Violation Notice and Order; or

3. A written decision issued by the City's Hearing Examiner has not been complied with by the date specified in the written decision; or

4. An action has been initiated in a court of competent jurisdiction pursuant to TMC Section 8.27.100, and the court has found that the property is a chronic nuisance property and issued an Order of Abatement for the property accordingly; or

5. The nuisances or code violations are subject to summary abatement as provided for in TMC Section 8.27.090(B).

B. **Summary Abatement.** Whenever any nuisance or code violation causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person(s) in charge as soon as reasonably possible after

the abatement. No right of action shall lie against the City or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the City be entitled to recover any costs incurred for summary abatement, prior to the time that actual notice of the same is provided to the person(s) in charge.

C. **Authorized Action by the City.** Using any lawful means, the City may enter upon the subject property and may remove or correct the condition that is subject to abatement. Prior to or during such abatement, the City may seek such judicial process as it deems necessary to effect the removal or correction of such condition, including but not limited to obtaining an injunction or warrant of abatement.

D. **Interference.** Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the person responsible for the violation, in the performance of duties imposed by TMC Chapter 8.27, shall be guilty of a misdemeanor punishable by imprisonment not exceeding 90 days and a fine not exceeding \$1,000.00.

E. **Recovery of Costs and Expenses.** All costs incurred by the City during abatement of nuisance or code violations shall be billed to the person(s) in charge. Such costs may include, but are not limited to, the following legal and abatement expenses:

1. *"Legal expenses,"* for purposes of TMC Chapter 8.27, shall include but are not limited to the following:

a. Personnel costs, both direct and indirect, including attorney's fees and all costs incurred by the City Attorney's office or its designee to abate nuisances and code violations.

b. Actual and incidental expenses and costs incurred by the City in preparing notices, contracts, court pleadings, and all other necessary documents required to abate nuisances and code violations.

c. All costs associated with retention and use of expert witness or consultants during the course of abatement.

2. *"Abatement expenses,"* for purposes of TMC Chapter 8.27, shall include but are not limited to the following:

a. Costs incurred by the City for preparation of notices, contracts, and related documents necessary to abate nuisance or code violations.

b. All costs associated with inspection of the property and monitoring of said property consistent with orders of compliance issued by the City's Hearing Examiner or a court of competent jurisdiction.

c. All costs incurred by the City for hauling, storage, disposal or removal of vegetation, trash, debris, dangerous structures or structures unfit for human habitation pursuant to the International Building Code and/or International Property Maintenance Code, potential vermin habitat or fire hazards, junk vehicles, obstructions to the public right-of-way, and setback obstructions.

d. All costs incurred by law enforcement or related enforcement agencies necessary to assist the City during abatement of nuisance or code violations.

e. All relocation/assistance costs pursuant to TMC Chapter 8.46.

F. **Interest.** All costs incurred by the City during abatement of nuisance and code violations may include interest in amount as prescribed by law. Interest shall start to accrue on the 30th day from mailing of the invoice pursuant to TMC Section 8.27.090.E.2.e.

G. **Lien – Authorized.** The City shall have a lien for any monetary penalty imposed, the cost of any abatement proceedings under TMC Chapter 8.27, and all other related costs including attorney and expert witness fees, against the real property on which the monetary penalty was imposed or any of the work of abatement was performed.

(Ord. 2352 §1 (part), 2011)

8.27.100 Commencement of Action—Enforcement

Upon referral by the Chief of Police, the City Attorney may initiate an action in any court of competent jurisdiction to abate a chronic nuisance property, to impose penalties pursuant to this chapter, to seek alternative remedies under City or state laws and seek any other relief authorized by law.

(Ord. 2352 §1 (part), 2011)

8.27.110 Burden of Proof

A. In an action against the person(s) in charge to abate a chronic nuisance property or to recover penalties authorized by this chapter, the City shall have the burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property pursuant to this chapter.

B. In an action against an owner to recover penalties authorized by TMC Section 8.27.070, the City shall have the additional burden to prove by a preponderance of the evidence that the owner failed to comply with TMC Section 8.27.040. Copies of police incident reports and reports of other City departments documenting nuisance activities shall be admissible in such actions. Additionally, evidence of a property's general reputation and the reputation of persons residing in or frequenting the property shall be admissible in such actions.

(Ord. 2352 §1 (part), 2011)

8.27.120 Additional Remedies

In addition to the remedies authorized by TMC Section 8.27.090, the court or Hearing Examiner may impose any or all of the following penalties on a person in charge of a chronic nuisance property:

1. Order the person in charge to immediately abate nuisance activity from occurring on the property.

2. Order that the Chief of Police shall have the right to inspect the property to determine if the court's orders have been complied with.

3. Impose a penalty of up to \$500 per day against the person in charge for each day from the date the notice

pursuant to TMC Section 8.27.030(D) was issued until the Chief of Police confirms the property is no longer a chronic nuisance property.

4. Make any other order that will reasonably abate nuisance activities from occurring on the property, including issuing an injunction to prevent the continued use of the property in a manner that encourages chronic nuisance activity or authorizing the City to take action to abate nuisance activities on the property and providing that the costs of such City action are to be paid for by the person in charge of the property.

5. If the person in charge is an owner and the court finds that this owner failed to take all reasonable steps requested in writing pursuant to TMC Section 8.27.050, the court may impose a civil penalty up to \$25,000.

6. If, as part of its order abating a chronic nuisance property, the court orders the person in charge to cease renting or leasing a property, the court may order the person in charge to pay relocation in the amounts authorized by TMC Chapter 8.46 to any tenant who (1) must relocate because of the order of abatement, and (2) the court finds not to have caused or participated in nuisance activities at the property. For purposes of this section (8.27.120), the term "tenant" shall have the meaning as set forth in RCW 59.18.030(19).

(Ord. 2352 §1 (part), 2011)

8.27.130 Suspension or Revocation of Business License

In addition to any other remedy authorized by this chapter or other laws, the business license of any person in charge shall be revoked and a new license not issued for one year, pursuant to Title 5 of the Tukwila Municipal Code, upon:

1. A finding by the court that a property is a chronic nuisance property pursuant to this chapter;

2. Issuance of a Violation Notice and Order for a chronic nuisance property that is not timely remedied or appealed; or

3. A finding by the Hearing Examiner that a property is a chronic nuisance property.

(Ord. 2352 §1 (part), 2011)

CHAPTER 8.28
NUISANCES

Sections:

8.28.010	Declaration of Nuisance
8.28.020	International Property Maintenance Code Adopted
8.28.030	Vacant Buildings, Structures and Premises
8.28.050	Animal Manure
8.28.070	Occupying Recreational Vehicles as Dwelling Units
8.28.140	Disorderly Houses
8.28.150	Places Where Disturbance of the Peace Occurs
8.28.160	Place Where Liquor Used Illegally
8.28.170	Unguarded Hole Dangerous to Life
8.28.180	Landscape Maintenance

8.28.010 Declaration of Nuisance

A. All violations of development, land use, licensing and public health ordinances are found and declared to be nuisances.

B. The following are declared to be public nuisances: buildings and structures that are determined by the City's Building Official to be vacant and so old, dilapidated or have become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure (collectively referred to as a "Vacant Building").

(Ord. 2144 §1, 2006; Ord. 1837 §2 (part), 1998)

8.28.020 International Property Maintenance Code Adopted

A. The City of Tukwila hereby adopts by reference, as if fully set forth herein, the 2015 edition of the International Property Maintenance Code (the "IPMC"), as published by the International Code Council and as amended in TMC Section 8.28.020.B, to be the Property Maintenance Code of the City of Tukwila. A copy of the adopted IPMC is on file in the Department of Community Development of the City of Tukwila for public use.

B. The City of Tukwila hereby adopts the following changes to the IPMC as adopted in TMC Section 8.28.020.A:

1. IPMC Section 101.1 shall reflect that the name of the jurisdiction is the City of Tukwila.

2. Reference to the International Plumbing Code is hereby deleted from IPMC Section 102.3. The last sentence of IPMC Section 102.3 is hereby deleted in its entirety.

3. The first sentence of IPMC Section 102.7 is hereby amended to read as follows:

The codes and standards referenced in this code shall be those that are listed in IPMC Chapter 9, "Referenced Standards," as herein amended and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

4. IPMC Section 103.5 is hereby repealed in its entirety.

5. IPMC Section 111 is hereby repealed in its entirety. Any person directly affected by a decision of the code official or a Violation Notice and Order or a civil infraction, or any other order issued under this code or TMC Chapter 8.45, shall have the right to appeal to the City Hearing Examiner or the Municipal Court as set forth in TMC Chapter 8.45. In addition to, or in lieu of, any other state or local provisions for the recovery of costs or penalties incurred or assessed under TMC Chapter 8.45, the City Treasurer may, pursuant to RCW 35.80.030(1)(h), certify to the King County Treasurer an assessment amount equal to the costs of abatement, removal, or repair of the property and/or any associated penalties and collections to the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year, to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020.

6. IPMC Section 112.4 is hereby repealed in its entirety. Enforcement shall be according to TMC Chapter 8.45.

7. References to "International Plumbing Code" and "International Zoning Code" are hereby deleted from IPMC Section 201.3.

8. The following definitions shall be added to IPMC Section 202 as follows:

a. *Accessory Structure*. A detached structure, such as garage or shed, that is subordinate to the principal building(s) on the same premises except Accessory Dwelling Units.

b. *Adequate*. Sufficient to accomplish the purpose intended without unreasonable risk to human health or safety.

c. *Asbestos-Containing Material*. Any material or product containing more than one percent asbestos.

d. *Balusters*. Pillars or columns in a series supporting a rail or guard.

e. *Biological Agent*. Includes but not limited to mold, infestation, human and animal waste, wastewater, sewage, rotting material and accumulation of trash that may harbor viruses, parasites, fungi, and/or bacteria.

f. *Carbon Monoxide Alarm*. An electronic device that measures the level of carbon monoxide gas in the air and is equipped with a sensor that activates an audible alarm when an amount of carbon monoxide above the device's threshold level accumulates in the area in which the alarm is located.

g. *Chemical Agent*. Chemicals that have the potential to cause adverse health effects.

h. *Class ABC Fire Extinguisher*. A fire extinguisher capable of putting out:

(1) fires in ordinary combustible materials, such as wood, cloth, paper, rubber, and many plastics (Class A);

(2) fires in flammable liquids, combustible liquids, petroleum greases, tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases (Class B); and

(3) fires that involve energized electrical equipment (Class C).

i. *Cleanable*. Moisture-resistant, free from cracks, pitting, chips, or tears, and designed to be cleaned frequently.

j. *Code Official* is deemed to refer to the Building Official.

k. *Common Areas*. Areas within multifamily housing that are designated for use by all occupants, owners, tenants or users of a building or building complex, including but not limited to corridors, hallways, lobbies, parking areas, laundry rooms, recreational spaces, pools, and exterior property.

l. *Department of Property Maintenance* is deemed to refer to the Code Enforcement Section.

m. *Egress*. The path available for a person to leave a building. This route shall be unobstructed, and doors along this route cannot be subject to locking from the side to which people will be leaving.

n. *Emergency Escape and Rescue Opening*. An openable window, door, or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

o. *Friable*. Asbestos-containing material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

p. *Grade*. The finished ground level adjoining building at all exterior walls.

q. *Graywater System*. A system for collecting household wastewater from plumbing fixtures other than toilets and treating it for non-potable reuse.

r. *Handrail*. A horizontal or sloping rail intended for grasping by the hand for guidance or support.

s. *Harborage*. Any condition or place where pests can obtain water or food, nest, or shelter.

t. *Health*. See "Safe and Healthy."

u. *Heating System*. Facilities that, for the purpose of maintaining thermal comfort during cold weather, heat air or water through a furnace or heat pump and distribute such heat through vents, ducts, pipes, or radiators, or hardwired electrical heaters.

v. *Insects*. All species of classes of Arachnida and Insecta (Hexapoda) of the Phylum Arthropoda including flies, mosquitoes, bed bugs, crickets, cockroaches, moths, bees, wasps, hornets, fleas, lice, beetles, weevils, gnats, ants, termites, mites, ticks, spiders, and scorpions.

w. *Integrated Pest Management*. A systematic strategy for managing pests that consists of eliminating their harborage places; removing, or making inaccessible their food and water sources; routine inspection and monitoring; identification of evidence found; treatment that is scaled to and designed for the infestation; using the least toxic pesticide for the identified pest; and follow-up inspection until the infestation is gone. Low-toxicity pesticide products are labeled with the single word of CAUTION.

x. *Lead-Based Paint*. Equal to or greater than 1.0 milligram lead per square centimeter or 0.5 percent lead by weight for existing surfaces, paint, or other surface coatings, and equal to or greater than 90 parts per million (ppm) or .009 percent lead for paint and other surface coatings at the point of purchase.

y. *Methamphetamine*. A synthetic drug with rapid and lasting effects sometimes used or manufactured illegally as a stimulant.

z. *Mold*. A growth that a fungus produces on damp or decaying organic matter or on living organisms.

aa. *Multifamily Housing*. Any dwelling containing more than two dwelling units.

bb. *Pests*. Insects, rodents, or other vermin.

cc. *Pesticide*. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant.

dd. *Privacy*. Conditions that permit an individual or individuals to be without observation, interruption, or interference by unwanted individuals.

ee. *Properly Connected*. Installed in accordance with all applicable codes and ordinances, and in good working order and not constituting a hazard to life or health.

ff. *Radon*. An odorless, tasteless, and invisible gas found in both outdoor air and indoor air that is a form of ionizing radiation produced by the decay of uranium in soil and water.

gg. *Recyclable Materials*. Disposable products composed of glass, metal, paper, plastic, and similar content that can be processed to produce a new supply of the same material or be reused in the production of other materials.

hh. *Riser*. Vertical surface that connects one tread of a step or stair to the next.

ii. *Rodent*. Any member of the order Rodentia, including but not limited to field and wood mice, wood rats, squirrels, woodchucks, gophers, Norway rats (*Rattus norvegicus*), roof rats (*Rattus rattus*), and house mice (*Mus musculus*).

jj. *Rubbish*. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials; paper; rags; cartons; boxes; wood; excelsior; rubber; leather; tree branches; yard trimmings; tin cans; metals; mineral matter; glass, crockery and dust; discarded furniture and appliances; and other similar materials.

kk. *Safe and Healthy*. The condition of being free from danger and from chemical, biological, and physical agents that may cause injury, disease, or death; and fit for human occupancy.

ll. *Smoke*. Emissions from a lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted biomass-burning substances such as but not limited to tobacco, marijuana, and incense.

mm. *Smoke Detector*. A device that is equipped to activate an audible alarm when it detects the presence of combustion products in air.

nn. *Space Heater*. A self-contained convection or radiant heater designed to heat a room, two adjoining rooms, or some other limited space or area.

oo. *Supplied*. Paid for, furnished by, provided by, or under the control of the owner or operator.

pp. *Trash*. Garbage, refuse or ashes.

qq. *Tread*. The horizontal surface of a step or stair.

rr. *Unblockable Drain*. Includes a pool, spa, or whirlpool drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

ss. *Ventilation System*. The natural or mechanical process of supplying or removing conditioned or unconditioned air to or from a space.

tt. *Volatile Organic Compounds (VOC)*. Organic chemical compounds whose composition makes it possible for them to evaporate under normal indoor atmospheric conditions of temperature and pressure.

uu. *Walk-off Mat*. A coarse-ribbed or plush-surfaced mat with nonslip backing placed inside or just outside building entrances designed to capture dirt, water, and other materials tracked inside by people and equipment.

vv. *Waterproof*. Impervious to water.

ww. *Weathertight*. Secure against penetration by air, wind, rain, snow, and other weather conditions.

9. The following is added to IPMC Section 301 as follows:

301.4 Safe and healthy condition. The owner shall ensure that the dwelling is maintained in a safe and healthy condition. The owner shall investigate occupant reports of unsafe or unhealthy conditions, respond in writing, and make needed repairs in a timely manner. Occupants shall report unsafe or unhealthy conditions, including breakdowns, leaks, and other problems requiring repair, to the owner in a timely manner.

10. The first sentence of IPMC Section 302.4 is hereby amended to read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.

11. The following is added to IPMC Section 302 as follows:

302.5.1 Rodent exclusion. There shall be no holes or open joints in exterior walls, foundations, slabs, floors, or roofs that equal or exceed one-eighth inch (3 mm). The areas surrounding windows, doors, pipes, drains, wires, conduits, vents, and other openings that penetrate exterior walls shall be sealed with low-VOC caulk or closed-cell insulation.

12. IPMC Section 303.2 is hereby amended to read as follows:

Private swimming pools, hot tubs and spas containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 60 inches (1524 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

13. The following is added to IPMC Section 303 as follows:

303.3 Prevention of entrapment. Suction outlets on pools and spas shall have anti-entrapment drain covers compliant with ANSI / ASME A112.19.8 and ANSI / APSP / ICC-8-2013. Pool drains and drain covers shall be clearly visible and in good repair. Where there is a single main drain (other than an unblockable drain), a second anti-entrapment system shall be installed.

303.4 Fences, gates and barriers (collectively "barriers"). Fences and gates shall not have climbable crosspieces. The maximum vertical clearance between grade and the bottom of the barrier shall be 4 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm). Gates shall open outward away from the pool.

14. The following is added to IPMC Section 304 as follows:

304.7.1 Crawl spaces. The crawl space shall be free of high-moisture conditions or be separated from the dwelling by an air seal or other method suitable to the climate and conditions.

304.10.1 Nonskid surfaces. Treads on exterior stairways shall have nonskid surfaces.

304.13.3 Window guards. In dwelling units, if the vertical distance from the top of the sill of an exterior openable window to the finished grade or other surface below is greater than 72 inches (183 cm), and the vertical distance from the top of the sill to the floor of the room is less than 36 inches (91.5 cm), the window shall have a fall prevention device compliant with ASTM F2006 or ASTM F2090, unless the opening will not allow a 4-inch diameter (102 mm) sphere to pass through when fully opened.

304.13.4 Attached garages. Openings separating an attached garage from a habitable room, including doors, ceilings, floors, and utility and ductwork penetrations, shall be sealed. The doorway between a habitable room and an attached garage shall be equipped with a wood door not less than 1-3/8 inches (35 mm) in thickness, a solid or honeycomb core steel door not less than 1-3/8 inches (35 mm) thick, or a 20-minute fire-rated door. The door shall have a self-closing, self-latching mechanism and be sealed with weather stripping.

15. The first sentence of IPMC Section 304.14 is hereby amended to read as follows:

During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any other areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

16. The following is added to IPMC Section 304 as follows:

304.15.1 Self-closing mechanism. Every exterior door on a multifamily building with a common entry that leads into a foyer or hallway shall have a self-closing, self-latching mechanism.

304.18.4 Change of tenancy. Following each change in tenancy, the entry door(s) lock shall be changed.

17. The following is added to IPMC Section 305 as follows:

305.4.1 Floors and floor coverings. Floors and floor coverings shall be attached at each threshold, capable of being cleaned, and free of bulges and buckling. Carpet shall have no tears, folds, or bumps.

305.7 Mold and moisture. Interior and exterior surfaces and surface coverings, such as but not limited to carpet, wood, cellulose insulation, and paper, paint, and other wall coverings, including paper-faced gypsum board, shall have no signs of visible mold growth or chronic or persistent excessive dampness or moisture. Material that is discolored or deteriorated by mold or mildew or causes a moldy or earthy odor shall be cleaned, dried, and repaired. Structurally unsound material shall be removed and replaced. Removal and repair of moldy material shall be conducted in accordance with New York City's *Guidelines on Assessment and Remediation of Fungi in Indoor Environments*, the EPA guidelines for *Mold Remediation in Schools and Commercial Buildings*, or other approved method. The underlying cause of excessive dampness or moisture, or moldy or earthy odor, shall be investigated and corrected. If the occupant's action has caused pooling of water inside the dwelling unit, the occupant shall clean up and dry out the area in a timely manner.

18. The following is added to IPMC Section 307 as follows:

307.2 Crosspieces. There shall be no climbable crosspieces.

307.3 Openings at floor level. If the guard's balusters do not reach the floor or ground, the narrowest opening between the bottom of the guard and the floor shall be a maximum of four inches (10.2 cm).

19. The following is added to IPMC Section 309 as follows:

309.1.1 Elimination methods. Pest infestation and the underlying cause shall be eliminated using control methods consistent with integrated pest management, such as exclusion, sanitation, and least-risk pesticides scaled to and designed for the targeted infestation.

309.1.2 Prohibited chemicals. Foggers and organic phosphates shall not be used to control or eliminate pests.

309.6 Prevention of pest habitat. Stored materials shall be placed in boxes or stacked in stable piles, elevated at least six inches (152 mm) above the ground or floor, located at least six inches (152 mm) from the walls, and not blocking any egress routes. There shall be no accumulation of trash, paper, boxes, lumber, scrap metal, food, or other materials that support rodent harborage in or about any dwelling or premises. There shall be no trees, shrubs, or other plantings in the soil within six inches (152 mm) of any dwelling.

309.7 Multifamily building. A certified pest management professional or other personnel who has training or certification in integrated pest management shall develop the integrated pest management program for a multifamily building.

20. The following is added to IPMC Section 402 as follows:

402.4 Exterior spaces. The parking areas and walkways of multifamily housing shall be illuminated by outdoor lighting devices suitable for premises.

21. The following is added to IPMC Section 403 as follows:

403.4.1 Exhaust. No exhausted air shall be discharged onto abutting or adjacent public or private property or that of another occupant. Exhaust vent pipe openings and any pest-proofing screens that cover them shall be maintained free of debris.

403.4.2 Basement air. Basement air shall not be used as supply air for an air handling system.

403.5.1 Clothes dryer duct. The exhaust from a clothes dryer shall be vented through a rigid or corrugated semi-rigid metal duct.

403.6 Ventilation system. Every dwelling shall have a ventilation system compliant with ASHRAE Standard 62.2 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings) or ASHRAE 62.1 (Ventilation for Acceptable Indoor Air Quality) as applicable to the dwelling.

403.7 Air Sealing. In a multifamily building, walls, ceilings, and floors that separate a dwelling unit from neighboring units, corridors, chases, stairwells, common areas, and other openings shall be sealed.

22. The following is added to IPMC Section 404 as follows:

404.4.6 Closet. Every dwelling shall have closet space or other storage space to store occupants' clothing and personal belongings.

404.7.1 Kitchen sink. There shall be a kitchen sink in good working condition that is properly connected to heated and unheated water supplies and waste pipes. Any provided dishwasher and components of the sink, including disposal and water filtration devices, shall be in good working condition and properly connected.

404.7.2 Range. There shall be a properly installed range in good working condition with all necessary connections for safe and efficient operation. The range shall include an oven other than a microwave oven, unless both a cooktop and separate oven are provided. A hot plate is not an acceptable substitute for burners on a range or cooktop. The range or cooktop shall have a vertical clearance of not less than 30 inches (762 mm) from above its surface to unprotected combustible material. Reduced clearances are permitted in accordance with the listing and labeling of the range hood.

404.7.3 Refrigerator. There shall be a refrigerator in good working condition that is capable of maintaining a temperature less than 41°F (6°C) but more than 32°F (0°C). The freezer section of the refrigerator, or separate freezer, shall be capable of maintaining a temperature below 0°F (-18°C). If the lease does not provide for a refrigerator, adequate connections for the occupant's installation and operation of a refrigerator shall be provided.

404.7.4 Counters and cabinets. Counters, countertop edges, cabinets, and shelves shall be of sound construction and furnished with surfaces that are impervious to water, smooth, and cleanable. Cabinets shall have tight-fitting doors and no gaps between any surfaces. Each dwelling unit shall have a cabinet or other storage space that is lockable or not readily accessible to children for the storage of medicine and household chemical agents.

23. The following is added to IPMC Section 503 as follows:

503.4.1 Nonslip surfaces. The bottoms of bathtubs and shower floors shall have permanent or removable nonslip surfaces.

503.5 Wall surface. Cleanable, nonabsorbent, waterproof material shall cover the wall extending 72 inches (183 cm) above the floor of a shower stall or the floor of a bathtub fitted with shower head. Such materials shall form a tight joint with each other and with the bathtub or shower. Water/mold-resistant materials shall be used on bathroom walls and floors, showers, and other areas of the home that are likely to be exposed to moisture.

24. The following is added to IPMC Section 505 as follows:

505.4.1 Maximum temperatures. Bathtub faucets and shower heads shall have a maximum temperature of 120°F (49°C).

25. The following is added to IPMC Section 506 as follows:

506.1.1 Cleanout. The drainage system shall have a cleanout.

506.1.2 Graywater. Plumbing fixtures other than toilets may discharge to the dwelling's graywater system.

26. The following is added to IPMC Section 602 as follows:

602.1.1 Maintenance, operation and servicing. The heating system, filtration components, distribution components, heating elements, and cooling elements shall be sealed, cleaned, maintained, and operated in accordance with manufacturer specifications and shall be inspected and serviced annually by a licensed heating, ventilation, and air conditioning systems contractor.

602.1.2 Alternative heat source. If heating equipment becomes inoperative due to a mechanical problem or power failure other than a utility outage, an alternative safe source of necessary heating or ventilating shall be provided within 48 hours.

602.2.1 Maximum temperature. At no time during the heating season shall the system allow the temperature to exceed 78°F (25°C) in any habitable room.

27. The first sentence of IPMC Section 602.3 is hereby amended to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units, on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from January 1 to December 31 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

28. The first sentence of IPMC Section 602.4 is hereby amended to read as follows:

Indoor occupiable work spaces shall be supplied with heat during the period from January 1 to December 31 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

29. The following is added to IPMC Section 602 as follows:

602.6 Forced-air heating systems. Any dwelling with a forced-air system shall have a thermostat within each dwelling unit capable of controlling the heating system, and cooling system if provided, to maintain a temperature set point between 55°F (13°C) and 85°F (29°C) at different times of the day. The system shall have a clean air filter installed in accordance with manufacturer specifications at each change in tenancy and at least annually. This filter shall have a minimum efficiency reporting value of eight (MERV-8) unless the system is not equipped to use a MERV-8 filter.

602.7 Steam and hot water heating systems. In dwellings with heating equipment utilizing steam or hot water with a temperature of 110°F (43°C) or greater, protective covers/barriers shall be installed on and maintained for exposed surfaces of baseboard units, radiators, and piping between radiators.

602.8 Wood stoves. A free-standing wood stove shall have brackets to prevent tip-over. A wood stove manufactured after June 1988 shall have a manufacturer's label certifying compliance with the emission standard at 4-0 C.F.R § 60 part AAA. Clearance of 30 inches (76 cm) shall be maintained between combustible materials and a stove with no heat shield. Where a heat shield is present, the clearance between combustible materials and the stove shall be compliant with manufacturer specification for the heat shield.

30. The following is added to IPMC Section 603 as follows:

603.1.1 Equipment located in attached garage. Heating and air conditioning system ductwork and air handling units located in an attached garage shall be insulated and sealed. There shall be no supply or return vent openings in a garage that connect to air handlers serving habitable spaces.

603.1.2 Equipment access. In multifamily buildings, equipment rooms shall be locked.

603.7 Moisture prevention. Cold HVAC and plumbing components and systems (e.g., chilled-water pipes

and valves, refrigerant piping, and valves) in readily accessible locations shall be sufficiently and continuously insulated to keep the temperature of their surfaces at least 10°F (4°C) above the dew point of the surrounding air.

31. The following is added to IPMC Section 605 as follows:

605.2.1 Ground fault circuit interrupters. Every kitchen shall contain at least one receptacle outlet with a ground fault circuit interrupter (GFCI). Receptacle outlets in garages, crawl spaces, unfinished basements, and outdoors shall be protected by GFCIs.

605.3.1 Switches. Light switches that control ceiling- or wall-type electric light fixtures shall be located conveniently.

32. Section IPMC 702.4 is amended to read as follows:

702.4 Emergency escape openings. Required emergency escape openings shall comply with the following: Every sleeping room, including sleeping rooms located in basements, shall have at least one openable emergency escape and rescue opening. The opening shall have a minimum net clear opening width of 20 inches (508 mm) and the minimum net clear opening height shall be 24 inches (610 mm). The opening shall be a minimum of 5.7 square feet with the finished sill height a maximum of 44 inches (1118 mm) measured from the finished floor to the bottom of the clear opening. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with these requirements and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

Exception: Structures in existence at the time of the adoption of this code may have their existing use continue without change, if such use was legal at the time of the adoption of this code, provided such continued use is not dangerous to life as deemed by the code official.

33. The following is added to IPMC Section 704 as follows:

704.2.5 Response to alarms. In the event a smoke alarm sounds, the cause of the alarm condition shall be identified and corrected.

704.2.6 Long-lasting batteries. Battery-operated alarms and the battery backup for hardwired alarms shall be powered with long-lasting non-alkaline batteries.

704.3 Fire Extinguisher. Fire extinguishers shall be rated Class ABC and shall be readily accessible.

704.3.1 Multifamily housing. In multifamily housing, there shall be portable fire extinguishers in common areas on each floor of multifamily housing and in areas where flammable or combustible liquids are stored, used, or dispensed. These fire extinguishers shall be placed in conspicuous, unobstructed locations that are not obscured from view.

704.4 Storage. Storage space for flammable and combustible liquids shall be provided in a building separate from the dwelling's habitable space or in an adjacent space that is not connected to the dwelling's ventilation system.

34. A new section – IPMC Section 705 – is added as follows:

SECTION 705 CARBON MONOXIDE

705.1 General. Every dwelling unit shall have at least one functioning carbon monoxide (CO) alarm on every habitable floor and outside each separate sleeping area in the immediate vicinity of the bedroom. In the event a CO alarm sounds, the cause of the alarm condition shall be identified and corrected.

705.2 Long-lasting batteries. Battery-operated alarms and the battery backup for hardwired alarms shall be powered with long-lasting non-alkaline batteries.

705.3 Visual notification. Alternative visual notification shall be provided for hearing-impaired occupants.

35. IPMC Chapter 8 is retitled "Chemical and Radiological Agents."

36. A new section – IPMC Section 801 – is added as follows:

SECTION 801 GENERAL

801.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for management of chemical and radiological agents during maintenance of dwellings, premises, and accessory structures including but not limited to deteriorated lead-based paint, friable asbestos-containing material, formaldehyde, radon, pesticides, methamphetamine, and carbon monoxide.

801.2 General Requirements. The owner of the structure shall be responsible for containing, storing, removing, or mitigating the presence of chemical or radiological agents in a safe and healthy manner consistent with federal, state and local laws and regulations. When an applicable regulatory limit is more protective than the level included in this section, the more restrictive limit shall apply.

801.3 Use of Chemical Agents. The owner will provide occupants with at least 48 hours' advance notice of planned use of a pesticide or herbicide, the date and locations of application, and a copy of the warning label.

37. A new section – IPMC Section 802 – is added as follows:

SECTION 802 LEAD-BASED PAINT

802.1 General. All interior and exterior surfaces of any dwelling or dwelling unit shall not contain lead-based paint so as not to pose a threat to the health, safety or welfare of residents. Lead-based paint shall not be applied to the interior or exterior surface of any dwelling or dwelling unit.

802.2 Lead-based paint hazard levels. Lead-based paint hazard levels are regulated by the Washington State Department of Commerce.

802.3 Deteriorated paint. All painted surfaces shall be maintained intact. Deteriorated paint at a property built before 1978 shall be repaired in accordance with the requirements of the Washington State Department of Commerce.

802.4 Renovation, repair and painting work. All renovation, repair and painting work that disturbs a painted surface in a pre-1978 dwelling, shall be performed in accordance with the requirements of the Washington State Department of Commerce.

38. A new section – IPMC Section 803 – is added as follows:

SECTION 803 ASBESTOS

803.1 General. Every owner shall maintain in good repair all asbestos-containing material on the premises. All asbestos-containing material shall be maintained non-friable and free from any defects such as holes, cracks, tears, and/or looseness that may allow the release of fibers into the environment.

803.2 Friable asbestos. All friable asbestos-containing materials shall be abated by licensed asbestos professionals in accordance with the requirements of the Washington State Department of Labor and Industries.

803.3 Renovation. Any renovation, demolition, or other activity that will disturb asbestos-containing materials shall be preceded by an asbestos abatement in accordance with the requirements of the Washington State Department of Labor and Industries.

803.4 Asbestos Abatement. Abatement, removal and disposal of all asbestos-containing materials shall comply with all requirements of the Washington State Department of Labor and Industries.

39. A new section – IPMC Section 804 – is added as follows:

SECTION 804 TOXIC SUBSTANCES IN BUILDING MATERIALS

804.1 Building Materials. Building materials consisting of hardwood plywood, medium-density fiberboard, and particleboard as defined by 15 U.S.C. 2697(b)(2) shall not be used in maintenance and renovations within dwellings, unless the materials have been certified to meet the formaldehyde emission standards of 15 U.S.C. 2697(b)(2):

1. Hardwood plywood with a veneer core, 0.05 parts per million (ppm);
 2. Hardwood plywood with a composite core, 0.05 ppm;
 3. Medium-density fiberboard, 0.11 ppm;
 4. Thin medium-density fiberboard, 0.13 ppm;
- and
5. Particleboard, 0.09 ppm.

804.2 Volatile Organic Compounds (VOC).

Building materials used in maintenance and renovations, including but not limited to paints, coatings, primers, glues, resins, adhesives, and floor coverings, shall be certified as having no volatile organic chemicals (VOCs) or low VOC emissions, and having no halogenated flame retardants (HFRs).

40. A new section – IPMC Section 805 – is added as follows:

SECTION 805 RADON

805.1 General. Radon present at levels at or above the EPA action level of four picocuries radon per liter of air (pCi/L) in the lowest habitable level of the dwelling shall be deemed hazardous. Radon levels shall be determined by an approved testing method in accordance with state and local requirements. Radon levels exceeding 4 pCi/L shall be mitigated by a qualified radon mitigation professional who meets state and local requirements. If there are no state or local requirements qualifying radon testing and mitigation professionals, radon testing and mitigation shall be performed by a professional certified by a national private-sector radon proficiency program.

41. A new section – IPMC Section 806 – is added as follows:

SECTION 806 PESTICIDES

806.1 General. Pesticides shall only be used in accordance with integrated pest management methods using the least-toxic pesticide with demonstrated efficacy for the identified pest.

806.2 Pesticide application. Pesticides shall be applied only in areas and at concentrations which comply with manufacturer specifications. When it is determined by an approved method that a hazardous amount of a pesticide has been applied in a location or at a concentration contrary to manufacturer specifications, the hazard shall be immediately mitigated.

806.3 Storage. Pesticides shall be stored and disposed in accordance with manufacturer specifications.

42. A new section – IPMC Section 807 – is added as follows:

SECTION 807 METHAMPHETAMINE

807.1 General. A dwelling that has been used for methamphetamine manufacture shall be vacated until certified by Public Health Seattle/King County as safe from hazardous materials related to the methamphetamine manufacturing process.

43. A new section – IPMC Section 808 – is added as follows:

SECTION 808 SMOKING IN MULTIFAMILY HOUSING

808.1 Smoke-free Policies. Tenants and prospective tenants shall be informed in writing of any applicable smoke-free policy and the location of designated smoke-free and smoking areas. Signs shall be posted in all designated areas.

44. IPMC Chapter 8, "Referenced Standards," is hereby designated as Chapter 9.

45. References to "International Plumbing Code" and "International Zoning Code" that appear in the index of Chapter 9, "Referenced Standards," are hereby deleted.

46. IPMC Appendix A, "Boarding Standard," is hereby adopted.

(Ord. 2481 §2, 2015)

8.28.030 Vacant Buildings, Structures and Premises

A. All vacant buildings, structures and premises, and all vacant land, shall be maintained in a clean, safe, secure and sanitary condition as required by the International Property Maintenance Code.

B. **Definitions.** As used in TMC Chapter 8.28, the following definitions shall have the meanings set forth below:

1. "Abandoned Premises" means buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly becomes unprotected or unsecured, or which have structural collapse or fire spread to adjacent properties.

2. "Boarded" means covering of all entry points, including all doors and windows, with plywood or other materials for the purpose of preventing entry into the building by persons or animals.

3. "Chronic Nuisance Building or Premises" means a vacant nuisance building or vacant nuisance premises that has been abated but is not maintained free from violations for at least one year following abatement.

4. "Code Official" means the Building Official or designated Code Enforcement Officer.

5. "IBC" means International Building Code.

6. "IPMC" means International Property Maintenance Code.

7. "Vacant Building" means a building or structure that has not been occupied for over 30 days.

8. "Vacant Nuisance Building" means a building, structure or portion thereof that is vacant and exists with any one or more of the following conditions:

- a. Unsecured against entry;
- b. Old, dilapidated or has become so out of repair as to be dangerous, unsafe, and unsanitary or otherwise unfit for human habitation or occupancy;
- c. Condemned by the Code Official;
- d. Vacant for over 30 days, during which time the Code Official has issued an order to correct the public nuisance violations and those violations have not been corrected;
- e. Not monitored and maintained in accordance with the IPMC;
- f. Incomplete construction whereby the building permit has expired and the construction project has been abandoned for more than 30 days;
- g. An abandoned premises as defined in this section.

9. "Vacant Nuisance Premises" means the exterior premises of a vacant building, or vacant land that harbors junk vehicles, accumulation of rubbish or garbage, overgrown weeds, noxious weeds, unmaintained plant material and landscaping, or other violation of the IPMC for over 30 days, during which time the Code Official has issued an order to correct the public nuisance violations and those violations have not been corrected.

C. **Authority to Inspect.** Whenever the Code Official has reason to believe that a premise or a building is vacant, the Code Official may inspect the premises and/or the building and surrounding premises.

D. **Declaration of Nuisance.** Abandoned premises, chronic nuisance buildings or premises, vacant nuisance buildings, and vacant nuisance properties are found and declared to be public nuisances.

E. **Enforcement.**

1. Enforcement of this section shall be in accordance with TMC Chapter 8.45.

2. The owner of an abandoned premise, vacant nuisance building, or vacant nuisance premises, shall be subject to the penalties set forth in TMC Chapter 8.45.

3. Should a Violation Notice and Order be issued pursuant to TMC Chapter 8.45 and if compliance has not been achieved within 30 days from the date of the Violation Notice, the Code Official may proceed with abatement of the nuisance in accordance with TMC Section 8.45.105. The costs of such abatement, including any unpaid penalties, shall be recovered through a lien against the property.

4. Owners of chronic nuisance buildings or premises shall immediately and without notice be cited with penalties in accordance with TMC Section 8.45.100.

(Ord. 2396 §1, 2013)

8.28.050 Animal Manure

Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the City, is declared to be a nuisance.

(Ord. 1837 §2 (part), 1998)

8.28.070 Occupying Recreational Vehicles as Dwelling Units.

A. **Definitions.**

1. "Recreational Vehicle" means travel trailer, motorhome, fifth-wheel trailer, or similar vehicles used for temporary accommodations while traveling. "Recreational vehicles" also includes boats, personal watercraft, snowmobiles and the like.

2. "Occupied as a dwelling unit" means used for sleeping, cooking, eating or bathing for longer than two weeks in any six-month period.

B. Recreational vehicles may not be occupied as a dwelling unit in any zone, except when parked in a licensed mobile home park.

(Ord. 2494 §17, 2016; Ord. 2396 §2, 2013)

8.28.140 Disorderly Houses

All disorderly houses, houses of prostitution, or houses or premises kept or resorted to for the purposes of prostitution or lewdness, and all houses, premises, rooms, booths or other structures used as places where people are employed for the purpose of prostitution, or in which people solicit, practice or carry on the business of prostitution, or in which the solicitation of drinks of intoxicating liquors or reputed intoxicants by patrons or employees for their own consumption is regularly and customarily permitted, or in which any drugs are being illegally kept, illegally sold, or illegally consumed are declared to be nuisances.

(Ord. 1837 §2 (part), 1998)

8.28.150 Places Where Disturbance of the Peace Occurs

Any premises, place or business establishment where drunkenness, fighting or breaches of the peace are carried on or permitted or tolerated, or where loud noises are carried on or permitted in such a way as to disturb the peace and tranquility of the neighborhood is declared to be a nuisance.

(Ord. 1837 §2 (part), 1998)

8.28.160 Place Where Liquor Used Illegally

Any building, room or rooms, place or places in the City kept or maintained in which intoxicating liquors are sold or given away contrary to law, or in which such liquors are kept or harbored for the evident purpose of selling or giving away the same contrary to law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors, or where intoxicating liquors are kept for the purpose of inducing people to resort to buy or receive intoxicating liquors in violation of law is declared to be a nuisance.

(Ord. 1837 §2 (part), 1998)

8.28.170 Unguarded Hole Dangerous to Life

Any unguarded or abandoned excavation, pit, well or hole dangerous to life is declared to be a nuisance.

(Ord. 1837 §2 (part), 1998)

8.28.180 Landscape Maintenance

In addition to the foregoing, it constitutes a nuisance for anyone to fail to maintain landscaping, including but not limited to lawns, shrubs, trees and other plantings, whether of native growth or domestic vegetation in commercial, manufacturing or industrial, or multiple dwelling residential areas of the City; and it is a nuisance to fail to maintain any landscaping as designated in the landscaping and maintenance plan required before occupancy.

(Ord. 2372 §1, 2012; Ord. 1837 §2 (part), 1998)

CHAPTER 8.30
CRIMES RELATING TO PERSONS

Sections:

8.30.010	Assault and Other Crimes Involving Physical Harm
8.30.020	Placing a Person in Fear or Apprehension by Threat
8.30.030	Domestic Violence - State Statutes Adopted by Reference
8.30.040	Failure To Abide by Court Order
8.30.050	Custodial Interference
8.30.060	Harassment
8.30.070	Assault Against Police Officer or Firefighter

8.30.010 Assault and Other Crimes Involving Physical Harm

The following statutes of the State of Washington are adopted by reference:

RCW 9A.36.041	Assault in the fourth degree.
RCW 9A.36.050	Reckless endangerment
RCW 9A.36.070	Coercion.
RCW 9.61.230	Telephone calls to harass, intimidate, torment or embarrass.
RCW 9.61.240	Telephone calls to harass, intimidate, torment or embarrass - Permitting telephone to be used.
RCW 9.61.250	Telephone calls to harass, intimidate, torment or embarrass - Offenses, where deemed committed.
RCW 9.61.260	Cyberstalking.
<i>(Ord. 2195 §1, 2008; Ord. 1469 §1, 1988; Ord. 1363 §1 (part), 1985)</i>	

8.30.020 Placing a Person in Fear or Apprehension by Threat

A. Every person who shall intentionally place or attempt to place another person in reasonable fear or apprehension of bodily harm by means of a threat shall be guilty of a misdemeanor.

B. For purposes of this section, "threat" means to communicate, directly or indirectly, by act, word or deed, whether written, spoken or otherwise communicated, the intent to imminently:

1. Cause bodily injury to the person threatened or any other person; or
2. Cause physical damage to the property of a person other than the person making the threat; or
3. Subject the person threatened or any other person to physical confinement or restraint.

C. Any threat as defined in this section is deemed to have been committed at the place from which the threat or threats were made or at the place where the threat or threats were received.

(Ord. 1677 §10, 1993; Ord. 1363 §1 (part), 1985)

8.30.030 Domestic Violence - State Statutes Adopted by Reference

The following statutes of the State of Washington as the same exist or shall hereafter be amended are hereby adopted by reference:

RCW 10.99.020	Definitions.
RCW 10.99.030	Law enforcement officers - Training, powers, duties - Domestic violence reports.
RCW 10.99.040	Restrictions upon and duties of court.
RCW 10.99.045	Appearances by defendant - No contact order.
RCW 10.99.050	Victim contact - Restriction, prohibition - Violation, penalties - Written order - Procedures.
RCW 10.99.055	Enforcement of orders.
RCW 10.99.060	Notification of victim of prosecution decision - Description of criminal procedures available.
RCW 10.99.070	Liability of peace officers.
RCW 26.50.010	Definitions.
RCW 26.50.020	Commencement of action - Jurisdiction - Venue.
RCW 26.50.025	Orders under this chapter and chapter 26.09, 26.10, or 26.26 RCW - Enforcement - Consolidation.
RCW 26.50.030	Petition for an order for protection - Availability of forms and informational brochures - Bond not required.
RCW 26.50.035	Development of instructions, informational brochures, forms, and handbook by the administrator for the courts - Community resource list - Distribution of master copy.
RCW 26.50.040	Fees not permitted - Filing, service of process, certified copies.
RCW 26.50.050	Hearing - Service - Time.
RCW 26.50.055	Appointment of interpreter.
RCW 26.50.060	Relief - Duration - Realignment of designation of parties - Award of costs, service fees, and attorneys' fees.
RCW 26.50.070	Ex parte temporary order for protection.
RCW 26.50.080	Issuance of order - Assistance of peace officer - Designation of appropriate law enforcement agency.
RCW 26.50.085	Hearing reset after ex parte order - Service by publication - Circumstances.
RCW 26.50.090	Order - Service - Fee.
RCW 26.50.095	Order following service by publication.
RCW 26.50.100	Order - Transmittal to law enforcement agency - Record in law enforcement information system - Enforceability.
RCW 26.50.110	Violation of order - Penalties.

RCW 26.50.115	Enforcement of ex parte order - Knowledge of order prerequisite to penalties - Reasonable efforts to serve copy of order.	RCW 9A.46.070	Enforcement of orders restricting contact.
RCW 26.50.120	Violation of order - Prosecuting attorney or attorney for municipality may be requested to assist - Cost and attorney's fees.	RCW 9A.46.080	Order restricting contact – Violation.
RCW 26.50.123	Service by mail.	RCW 9A.46.090	Nonliability of peace officer.
RCW 26.50.125	Service by publication or mailing - Costs.	RCW 9A.46.100	"Convicted", time when.
RCW 26.50.130	Order - Modification - Transmittal.	RCW 9A.46.110	Stalking.
RCW 26.50.135	Residential placement or custody of a child - Prerequisite.	RCW 10.14.020	Definitions.
RCW 26.50.140	Peace officers - Immunity.	RCW 10.14.030	Course of conduct – Determination of purpose.
RCW 26.50.150	Domestic violence perpetrator programs.	RCW 10.14.040	Protection order – Petition.
RCW 26.50.160	Judicial information system - Database.	RCW 10.14.055	Fees excused, when.
RCW 26.50.200	Title to real estate - Effect.	RCW 10.14.060	Proceeding in forma pauperis.
RCW 26.50.210	Proceedings additional.	RCW 10.14.065	Orders – Judicial information system to be consulted.
RCW 26.50.220	Parenting plan - Designation of parent for other state and federal purposes.	RCW 10.14.070	Hearing – Service.
RCW 26.50.900	Short title.	RCW 10.14.080	Antiharassment protection orders – Ex parte temporary – Hearing – Longer term, renewal – Acts not prohibited.
RCW 9A.36.150	Interfering with the reporting of domestic violence.	RCW 10.14.085	Hearing reset after ex parte order – Service by publication – Circumstances.
RCW 26.09.300	Restraining orders - Notice - Refusal to comply - Arrest - Penalty - Defense - Peace officers, immunity. (Ord. 1789 §1, 1997)	RCW 10.14.090	Representation or appearance.
		RCW 10.14.100	Service of order.
		RCW 10.14.105	Order following service by publication.
		RCW 10.14.110	Notice to law enforcement agencies – Enforceability.
		RCW 10.14.115	Enforcement of order – Knowledge prerequisite to penalties – Reasonable efforts to serve copy of order.
		RCW 10.14.120	Disobedience of order – Penalties.
		RCW 10.14.125	Service by publication – Costs.
		RCW 10.14.130	Exclusion of certain actions.
		RCW 10.14.140	Other remedies.
		RCW 10.14.150	Jurisdiction.
		RCW 10.14.155	Personal jurisdiction – Nonresident individual.
		RCW 10.14.160	Where action may be brought.
		RCW 10.14.170	Criminal penalty.
		RCW 10.14.180	Modification of order.
		RCW 10.14.210	Court appearance after violation. (Ord. 2497 §3, 2016; Ord. 1677 §11, 1993)
8.30.040 Failure to Abide by Court Order		8.30.070 Assault Against Police Officer or Firefighter	
It shall be unlawful for any person subject to a Restraining Order, No Contact Order, or any other court order or condition of probation or release, to knowingly violate the terms of that order or condition. Each violation shall constitute a misdemeanor. (Ord. 1600 §1, 1991; Ord. 1363 §1 (part), 1985)		A person is guilty of assault against a police officer or firefighter if he/she knowingly and willfully touches, strikes, expectorates, or makes other unwelcome physical contact with a police officer or firefighter when such officer or firefighter is engaged in his/her lawful duties. The touching, striking, expectorating, or other unwelcome physical contact must be of such nature that it would offend an ordinary person who is not unduly sensitive. Assaulting a police officer or firefighter is a gross misdemeanor. (Ord. 1754 §1, 1995)	
8.30.050 Custodial Interference			
The following statutes of the State of Washington are hereby adopted by reference:			
RCW 9A.40.070	Custodial interference in the second degree.		
RCW 9A.40.080	Custodial interference - Assessment of costs - Defense - Consent defense, restricted. (Ord. 1269 §1, 1982; Ord. 1363 §1 (part), 1985)		
8.30.060 Harassment			
The following statutes of the State of Washington, as now in effect or as may be subsequently amended or recodified, are hereby adopted by reference:			
RCW 9A.46.020	Definition – Penalties.		
RCW 9A.46.030	Place where committed.		
RCW 9A.46.040	Court-ordered requirements upon person charged with crime – Violation.		
RCW 9A.46.050	Arraignment – No-contact order.		
RCW 9A.46.060	Crimes included in harassment.		

CHAPTER 8.40

CRIMES RELATING TO PROPERTY

Sections:

- 8.40.010 Theft, UIBC, and Possession of Stolen Property
 - 8.40.020 Malicious Mischief and Obscuring Identity of Machines
 - 8.40.030 Injury or Destruction of Property
 - 8.40.040 Trespass and Related Crimes
 - 8.40.050 Making or Possessing a Retail Theft Tool
-

8.40.010 Theft, UIBC, and Possession Of Stolen Property

The following statutes of the State of Washington are adopted by reference:

- RCW 9A.56.010 Definitions.
- RCW 9A.56.020 Theft - Definition, defense.
- RCW 9A.56.050 Theft in third degree.
- RCW 9A.56.060 (1)(2)(3)(5) Unlawful issuance of checks or drafts.
- RCW 9A.56.140 Possessing stolen property - Definition, credit cards, presumption.
- RCW 9A.56.170 Possessing stolen property in the third degree.
- RCW 9.54.130 Restoration of stolen property - Duty of officers.

(Ord. 1363 §1 (part), 1985)

8.40.020 Malicious Mischief and Obscuring Identity of Machines

The following statutes of the State of Washington are adopted by reference:

- RCW 9A.48.090 Malicious mischief in the third degree.
- RCW 9A.48.100(1) Malicious mischief and physical damage defined.
- RCW 9A.56.180 Obscuring identify of a machine.

(Ord. 1363 §1 (part), 1985)

8.40.030 Injury or Destruction of Property

It is unlawful for any person to wantonly destroy, cut, alter, remove, deface, mark or write upon, or in any manner injure any window, fence, gate, bridge, dwelling, house, engine house, building, awning, railing or any other property, public or private, not his own, in an amount not exceeding \$250.

(Ord. 1363 §1 (part), 1985)

8.40.040 Trespass and Related Crimes

The following statutes of the State of Washington are adopted by reference:

- RCW 9A.52.010 Definitions.
- RCW 9A.52.060 Making or having burglary tools.
- RCW 9A.52.070 Criminal trespass in the first degree.
- RCW 9A.52.080 Criminal trespass in the second degree.
- RCW 9A.52.090 Criminal trespass - Defenses.
- RCW 9A.52.100 Vehicle prowling.
- RCW 9A.52.120 Computer trespass in the second degree.
- RCW 9A.52.130 Computer trespass - Commission of other crime.
- RCW 9A.56.063 Making or possessing motor vehicle theft tools.

(Ord. 2196 §1, 2008; Ord. 1363 §1 (part), 1985)

8.40.050 Making or Possessing a Retail Theft Tool

A. Any person who makes or mends, or causes to be made or mended, uses, or has in his or her possession any retail theft tool that is adapted, designed, or commonly used for the commission of retail related theft, under circumstances evincing an intent to use or employ, or allow the same to be used or employed, in the commission of retail related theft, or knowing that the same is intended to be so used, is guilty of making or having retail theft tools, a gross misdemeanor.

B. For the purpose of this section, a retail theft tool includes, but is not limited to, the following: booster bags; any implement carried with the intent to be used to defeat theft protection sensors, devices, or surveillance; or any other implement shown by facts and circumstances that is intended to be used in the commission of a theft from a retail store or similar place, or knowing that the same is intended to be so used.

(Ord. 2497 §4, 2016)

CHAPTER 8.45

ENFORCEMENT

Sections:

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8.45.020	Scope
8.45.030	Violations
8.45.040	Enforcement
8.45.045	Voluntary Correction and Limited Right to Enter Property
8.45.050	Investigation, Civil Infraction, and Violation Notice and Order
8.45.060	Time In Which To Comply
8.45.070	Stop Work Orders.
8.45.080	Emergency Orders.
8.45.090	Appeal To Hearing Examiner
8.45.100	Penalties
8.45.105	Abatement by the City
8.45.110	Additional Enforcement Mechanism
8.45.120	RCW Chapter 35.80 Adopted
8.45.130	Improvement Officer and Appeals Commission Designated
8.45.140	Improvement Officer Authority – Issuance of Complaint
8.45.150	Service of Complaint
8.45.160	Complaint Hearing
8.45.170	Determination, Findings of Fact, and Order
8.45.180	Appeal to Appeals Commission
8.45.190	Appeal to Superior Court
8.45.200	Recommendation/Penalties
8.45.210	Tax Lien
8.45.220	Salvage

8.45.010 Purpose

The purpose of TMC Chapter 8.45 is to establish an efficient system to enforce the development, land use, and public health regulations of the City; to provide an opportunity for a prompt hearing and decision on alleged violations of these regulations; to establish penalties for violations, including abatement of any affected properties; and to collect all costs associated with abatement, including relocation/ assistance expenses, pursuant to TMC Chapter 8.46.

(Ord. 2125 §1 (part), 2006; Ord. 1838 §2 (part), 1998)

8.45.020 Scope

The procedures set forth in TMC Chapter 8.45 shall be utilized to enforce violations of the Tukwila Municipal Code, as such violations are described within the Code, and as this chapter is referenced throughout the Code.

(Ord. 1838 §2 (part), 1998)

8.45.030 Violations

A. It is unlawful for any person to initiate, maintain, or cause to be initiated or maintained, the use of any structure, land or property within the City without first obtaining the permits or authorizations required for the use by the applicable provisions of any of the Tukwila Municipal Code.

B. It is unlawful for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished, any structure, land, or property within the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the applicable provisions of the Tukwila Municipal Code.

C. It is unlawful for any person to engage in or conduct business within the City of Tukwila without first obtaining appropriate business licensing.

D. It is unlawful to:

1. Remove or deface any sign, notice, complaint or order required by or posted in accordance with TMC Chapter 8.45;

2. Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization; and,

3. Fail to comply with any of the requirements of an order to cease activity issued under TMC Chapter 8.45 or issued pursuant to authority provided in other chapters of the Tukwila Municipal Code.

E. It is unlawful to:

1. Maintain, allow, permit or fail to prevent a nuisance as defined in TMC Chapter 8.28 or as defined throughout the Tukwila Municipal Code; and

2. Fail to comply with any applicable provisions of the Tukwila Municipal Code, including, but not limited to, the regulations and requirements found in the following chapters of the Tukwila Municipal Code, as now in effect or as may be amended hereafter:

Chapter	Title
5.04 Licenses Generally	"Business Licenses and Regulations"
8.22 Noise	"Public Peace, Morals and Safety"
9.32 Abandoned and Junked Motor Vehicles	"Vehicles and Traffic"
9.44 Commute Trip Reduction Plan and Program Requirements	"Vehicles and Traffic"
14.06 Backflow Prevention Assemblies	"Water and Sewers"
14.16 Sewer Charges	"Water and Sewers"
16.04 Buildings and Construction	"Buildings and Construction"
16.16 International Fire Code	"Buildings and Construction"
16.52 Flood Plain Management	"Buildings and Construction"
16.54 Grading	"Buildings and Construction"
17.28 Exceptions, Penalties, Severability, Liability	"Subdivisions and Plats"
19.12 Permits	"Sign and Visual Communication Code"

(Ord. 2373 §1, 2012; Ord. 1838 §2 (part), 1998)

8.45.040 Enforcement

A. The Code Enforcement Officer(s) is/are the person(s) authorized by the Mayor to enforce the civil provisions of the Tukwila Municipal Code.

B. The Code Enforcement Officer shall have the responsibility for enforcement of TMC Chapter 8.45. The Code Enforcement Officer may call upon the police, fire, building, public works or other appropriate City departments to assist in enforcement. The Code Enforcement Officer may seek assistance from outside agencies or private contractors, should the need exist. As used in TMC Chapter 8.45, "Code Enforcement Officer" shall also mean his or her duly authorized designee

C. TMC Chapter 8.45 shall be enforced for the benefit of the health, safety, and welfare of the general public, and not for the benefit of any particular person or class of persons.

D. It is the intent of TMC Chapter 8.45 to place the obligation for complying with its requirements upon the owner, occupier, tenant, manager, agent, or other person responsible for the condition of land and buildings situated within the City of Tukwila and within the scope of the Tukwila Municipal Code.

E. No provision or any term used in TMC Chapter 8.45 is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.

(Ord. 2125 §1 (part), 2006; Ord. 1838 §2 (part), 1998)

8.45.045 Voluntary Correction and Limited Right to Enter Property

A. *APPLICABILITY.* While it is the City's desire to obtain voluntary correction pursuant to TMC Chapter 8.45, compliance is not a prerequisite for pursuing any of the other remedies for correction in TMC Chapter 8.45, or any remedies available in law or equity. This section may apply whenever the Code Enforcement Officer determines that a nuisance or code violation has occurred or is occurring.

B. *GENERAL.* The Code Enforcement Officer may attempt to secure voluntary correction by contacting the owner, occupier, tenant, manager, agent, or other person responsible for the condition of land and buildings situated within the City of Tukwila and, where possible, explaining the violation and requesting correction.

C. *VOLUNTARY CORRECTION AND LIMITED RIGHT OF ENTRY AGREEMENT.* A Voluntary Correction and Limited Right of Entry Agreement may be entered into between the City of Tukwila – acting through the applicable department director – and the owner, occupier, tenant, manager, agent, or other person responsible for the condition of land and buildings situated within the City of Tukwila, for resolution of the violation. The Voluntary Correction and Limited Right of Entry Agreement is a contract between the City of Tukwila and the owner, occupier, tenant, manager, agent, or other person responsible for the condition of land and buildings, under which such person agrees to abate the violation cited by the City, within a specified time and according to specified conditions. The Voluntary Correction and Limited Right of Entry Agreement may include the following:

1. The name and address of the person responsible for the violation;

2. The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;

3. A description of the violation and a reference to the regulation that has been violated;

4. The necessary corrective action to be taken, and a date or time by which correction must be completed;

5. An agreement by the person responsible for the violation that the City may inspect the premises as may be necessary to determine compliance with the Voluntary Correction and Limited Right of Entry Agreement; and

6. An agreement by the person responsible for the violation that the City may abate the violation, and recover its costs and expenses as described in TMC 8.45.105 and/or a monetary penalty pursuant to TMC Chapter 8.45 from the person responsible for the violation, if the terms of the Voluntary Correction and Limited Right of Entry Agreement are not satisfied.

(Ord. 2125 §1 (part), 2006)

8.45.050 Investigation, Civil Infraction and Violation Notice and Order

A. *AUTHORITY*: Upon presentation of proper credentials, the Code Enforcement Officer may, with the consent of the owner or occupier of a building or premises, enter at reasonable times any building or premises in order to perform the duties imposed by TMC Chapter 8.45.

B. *INVESTIGATION*: The Code Enforcement Officer may investigate any structure or use which he or she reasonably believes does not comply with the applicable standards and requirements of the Tukwila Municipal Code.

C. *CIVIL INFRACTIONS*: If, after investigation or after the complaint of residents or others, the Code Enforcement Officer has probable cause to believe that the applicable standards or requirements of the Tukwila Municipal Code have been violated, the Code Enforcement Officer may issue a civil infraction in accordance with Chapter 7.80 RCW, which is incorporated herein by this reference, upon the owner, tenant, occupier, manager, agent, or other person responsible for the condition.

D. *VIOLATION NOTICE AND ORDER*: Alternatively, after investigation or based upon the complaint of residents or others, the Code Enforcement Officer may serve a Violation Notice and Order upon the owner, tenant, occupier, manager, agent, or other person responsible for the condition. The Violation Notice and Order shall contain the following information:

1. A statement of each standard, code provision or requirement violated;
2. The corrective action, if any, that is necessary to comply with the standards, code provision or requirement;
3. A reasonable time for compliance; and
4. An explanation of the appeal process and the specific information required to file an appeal.

E. *SERVICE OF A VIOLATION NOTICE AND ORDER*: A Violation Notice and Order shall be served on the owner, tenant, occupier, manager, agent, or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the Code Enforcement Officer makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:

1. Publishing the notice once each week for two consecutive weeks in the City's official newspaper; and

2. Mailing a copy of the notice to each person named on the Violation Notice and Order by first class mail to the last known address if known or, if unknown, to the address of the property involved in the proceedings.

F. *POSTING*: A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

G. *AMENDMENT*: A Violation Notice and Order may be amended at any time in order to:

1. Correct clerical errors; or
2. Cite additional authority for a stated violation.

(Ord. 2125 §1 (part), 2006; Ord. 1838 §2 (part), 1998)

8.45.060 Time in Which to Comply

A. *CIVIL INFRACTIONS*: Civil infractions may be issued by the City's Code Enforcement Officer and shall be processed in accordance with Chapter 7.80 RCW, which is incorporated herein by reference. The Tukwila Municipal Court shall have jurisdiction over all civil infractions issued under TMC Chapter 8.45.

B. *DETERMINATION OF TIME FOR COMPLIANCE WITH NOTICES OF VIOLATION*: Persons receiving a Violation Notice and Order shall rectify the code violations identified within the time period specified by the Code Enforcement Officer pursuant to TMC 8.45.050.

C. *ORDER BECOMES FINAL UNLESS APPEALED*: Unless an appeal is filed with the Code Enforcement Officer for hearing before the Hearing Examiner in accordance with TMC 8.45.090A, the Violation Notice and Order shall become the final administrative order of the Code Enforcement Officer. A copy of the notice may be filed and recorded with the King County Recorder.

(Ord. 2125 §1 (part), 2006; Ord. 1838 §2 (part), 1998)

8.45.070 Stop Work Orders

Whenever a continuing violation of this Code will materially impair the Code Enforcement Officer's ability to secure compliance with this Code, or when the continuing violation threatens the health or safety of the public, the Code Enforcement Officer may issue a Stop Work Order specifying the violation and prohibiting any work or other activity at the site. Any violation of a Stop Work Order is hereby declared to be a nuisance, and the Code Enforcement Officer is authorized to enjoin or abate such nuisance summarily by any legal or equitable means as may be available. The costs for the injunction or abatement shall be recovered by the City from the owner, tenant, occupant, manager, agent, or other responsible person in the manner provided by law.

(Ord. 1838 §2 (part), 1998)

8.45.080 Emergency Orders

Whenever any use or activity in violation of the Tukwila Municipal Code threatens the health and safety of the occupants of the premises or any member of the public, the Code Enforcement Officer may issue an Emergency Order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The Emergency Order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. Any condition described in the Emergency Order which is not corrected within the time specified is hereby declared to be a public nuisance, and the Code Enforcement Officer is authorized to enjoin or abate such nuisance summarily by any legal or equitable means as may be available. All costs of such abatement shall be recovered from the owner, tenant, occupant, manager, agent, or other person responsible in the manner provided by law.

(Ord. 2125 §1 (part), 2006; Ord. 1838 §2 (part), 1998)

8.45.090 Appeal to Hearing Examiner

A. The person incurring the penalty described in a Violation Notice and Order issued by the Code Enforcement Officer, pursuant to TMC 8.45.050, may obtain an appeal of the Notice by requesting such appeal within ten calendar days after receiving or otherwise being served with the Notice pursuant to TMC 8.45.050. When the last day of the period so computed is a Saturday, Sunday, or a Federal or City holiday, the period shall run until 4:30PM on the next business day. The request shall be in writing and include the applicable appeal fee. Upon receipt of the appeal request, the Code Enforcement Office shall schedule an appeal hearing before the Hearing Examiner. Notice of the hearing shall be sent to the appellant and/or the person(s) named on the Violation Notice and Order under the procedures described in TMC 8.45.050E, or as may be otherwise requested by the appealing party.

B. The appeal fee for a Violation Notice and Order in an LDR zone shall be \$100.00, and in all other zones shall be \$200.00.

C. At or after the appeal hearing, the Hearing Examiner may:

1. Sustain the Violation Notice and Order;
2. Withdraw the Violation Notice and Order;
3. Continue the review to a date certain for receipt of additional information; or
4. Modify the Violation Notice and Order, which may include an extension of the compliance date.

D. The Hearing Examiner shall issue a written decision within 14 days of the date of the completion of the review, and shall cause the same to be sent to the person(s) named on the Violation Notice and Order under the same procedures described in TMC 8.45.050E or as otherwise directed by the appealing party.

E. The decision of the Hearing Examiner shall be final and conclusive unless appealed. In order to appeal the decision of the Hearing Examiner, a person with standing to appeal must file a land use petition, as provided in RCW 36.70C (Land Use Petition Act), within 21 days of the issuance of the Hearing Examiner's decision. The cost for transcription of all records ordered certified by the superior court for such review shall be borne by the appellant.

*(Ord. 2125 §1 (part), 2006; Ord. 2120 §2, 2006;
Ord. 1838 §2 (part), 1998)*

8.45.100 Penalties

A. *VIOLATIONS OF THE TUKWILA MUNICIPAL CODE:*

1. *Civil Infraction:* Any person violating or failing to comply with the provisions of the Tukwila Municipal Code, may be issued a civil infraction citation pursuant to TMC 8.45.050C. Each civil infraction shall carry with it a monetary penalty of \$100.00 for the first violation, \$175.00 for a second violation of the same nature or a continuing violation, and \$250.00 for a third or subsequent violation of the same nature or a continuing violation.

2. *Violation Notice and Order:*

a. Any person violating or failing to comply with the provisions of the Tukwila Municipal Code may, in the alternative, be issued a Violation Notice and Order that shall carry with it a cumulative monetary penalty of \$500.00 per day for each violation from the date set for compliance until compliance with the Violation Notice and Order is achieved.

b. In addition to any penalty which may be imposed by the City, any person violating or failing to comply with any of the provisions of the Tukwila Municipal Code shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to the violation.

c. The penalty imposed by this section under a Violation Notice and Order may be collected by civil action brought in the name of the City. The Code Enforcement Officer may notify the City Attorney of the name of any person subject to the penalty, and the City Attorney may, with the assistance of the Code Enforcement Officer, take appropriate action to collect the penalty, including but not limited to attachment of a lien to the property.

d. The Code Enforcement Officer shall have the discretion to impose penalties in an amount lower than those set forth above.

B. *ADDITIONAL RELIEF:* The Code Enforcement Officer may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of the Tukwila Municipal Code. The remedies provided in TMC Chapter 8.45 are cumulative and shall be in addition to any other remedy provided by law.

C. *SUBDIVISION VIOLATIONS*: Any person, firm, corporation, association, or any agent of any person, firm, corporation, or association who violates any provision of RCW 58.17 or Tukwila Municipal Code Title 17, "Subdivisions", relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land, shall be guilty of a gross misdemeanor; and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of RCW 58.17 or Tukwila Municipal Code Title 17, "Subdivisions", shall be deemed a separate and distinct offense.

D. *CONTINUED DUTY TO CORRECT*. Payment of a monetary penalty pursuant to TMC Chapter 8.45 does not relieve the person to whom the Infraction or Violation Notice and Order was issued of the duty to correct the violation.

(Ord. 2125 §1 (part), 2006; Ord. 1838 §2 (part), 1998)

8.45.105 Abatement by the City

A. *ABATEMENT*. The City may abate nuisance or code violations when:

1. The terms of the Voluntary Correction and Limited Right of Entry Agreement have not been met; or
2. A Violation Notice and Order has been issued and the required correction has not been completed by the date specified in the Violation Notice and Order;
3. A written decision issued by the City's Hearing Examiner has not been complied with by the date specified in the written decision; or
4. The nuisances or code violations are subject to summary abatement as provided for in TMC 8.45.105B.

B. *SUMMARY ABATEMENT*. Whenever any nuisance or code violation causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the City or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the City be entitled to recover any costs incurred for summary abatement, prior to the time that actual notice of same is provided to the owner, occupier, tenant, manager, agent, or other person responsible for the condition of land and buildings.

C. *AUTHORIZED ACTION BY THE CITY*. Using any lawful means, the City may enter upon the subject property and may remove or correct the condition that is subject to abatement. Prior to or during such abatement, the City may seek such judicial process as it deems necessary to effect the removal or correction of such condition, including but not limited to obtaining an injunction or warrant of abatement.

D. *INTERFERENCE*. Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the person responsible for the violation, in the performance of duties imposed by TMC Chapter 8.45, shall be

guilty of a misdemeanor punishable by imprisonment not exceeding 90 days and a fine not exceeding \$1,000.00.

E. *RECOVERY OF COSTS AND EXPENSES*. All costs incurred by the City during abatement of nuisance or code violations shall be billed to the owner, occupier, tenant, manager, agent, or other person responsible for the condition of land and buildings. Such costs may include, but are not limited to, the following legal and abatement expenses:

1. "Legal expenses," for purposes of TMC Chapter 8.45, shall include but are not limited to the following:

a. Personnel costs, both direct and indirect, including attorney's fees and all costs incurred by the City Attorney's office or its designee to abate nuisances and code violations;

b. Actual and incidental expenses and costs incurred by the City in preparing notices, contracts, court pleadings, and all other necessary documents required to abate nuisances and code violations; and

c. All costs associated with retention and use of expert witness or consultants during the course of abatement.

2. "Abatement expenses," for purposes of TMC Chapter 8.45, shall include but are not limited to the following:

a. Costs incurred by the City for preparation of notices, contracts, and related documents necessary to abate nuisance or code violations;

b. All costs associated with inspection of the property and monitoring of said property consistent with orders of compliance issued by the City's Hearing Examiner or a Court of competent jurisdiction;

c. All costs incurred by the City for hauling, storage, disposal or removal of vegetation, trash, debris, dangerous structures or structures unfit for human habitation pursuant to the International Building Code and/or International Property Maintenance Code, potential vermin habitat or fire hazards, junk vehicles, obstructions to the public right-of-way, and setback obstructions;

d. All costs incurred by law enforcement or related enforcement agencies necessary to assist the City during abatement of nuisance or code violations; and

e. All relocation/assistance costs pursuant to TMC Chapter 8.46.

F. *INTEREST*. All costs incurred by the City during abatement of nuisance and code violations may include interest in amount as prescribed by law. Interest shall start to accrue on the 30th day from mailing of the invoice pursuant to TMC 8.45.105E.2.e.

G. *LIEN – AUTHORIZED*. The City shall have a lien for any monetary penalty imposed, the cost of any abatement proceedings under TMC Chapter 8.45, and all other related costs including attorney and expert witness fees, against the real property on which the monetary penalty was imposed or any of the work of abatement was performed.

(Ord. 2125 §1 (part), 2006)

8.45.110 Additional Enforcement Mechanism

In addition to, and in combination with, the enforcement methods set forth in TMC Chapter 8.45 and elsewhere in the Tukwila Municipal Code, violations of the Tukwila Municipal Code may be enforced under the provisions set forth in TMC 8.45.110 through 8.45.220.

(Ord. 2067 §1 (part), 2004)

8.45.120 RCW Chapter 35.80 Adopted

RCW Chapter 35.80, "Unfit Dwellings, Buildings, and Structures", as it currently exists or is hereinafter amended, is hereby adopted.

(Ord. 2067 §1 (part), 2004)

8.45.130 Improvement Officer and Appeals Commission Designated

The Code Enforcement Officer, and the Code Enforcement Officer's designee, is designated as the City's "Improvement Officer," and shall have the full scope of authority granted to that official under Chapter 35.80 RCW. The City of Tukwila Hearing Examiner is designated as the City's "Appeals Commission," and shall have the full scope of authority granted to that commission under Chapter 35.80 RCW.

(Ord. 2067 §1 (part), 2004)

8.45.140 Improvement Officer Authority - Issuance of Complaint

If, after a preliminary investigation of any dwelling, building, structure or premises, the Improvement Officer finds that it is unfit for human habitation or other use, the Improvement Officer may issue a complaint conforming to the provisions of RCW 35.80.030, stating in what respects such dwelling, building, structure or premises is unfit for human habitation or other use. In determining whether a dwelling, building, structure or premises should be repaired or demolished, the Improvement Officer shall be guided by the Tukwila Municipal Code and such other codes adopted pursuant to the Tukwila Municipal Code as the Improvement Officer deems applicable, in particular the most recent edition of the International Property Maintenance Code.

(Ord. 2067 §1 (part), 2004)

8.45.150 Service of Complaint

A complaint issued under TMC Chapter 8.45 shall be served on the parties and posted on the subject property pursuant to RCW 35.80.030, and shall also be filed with the King County Auditor. All complaints or other documents posted on the subject property shall remain in place until the complaint has been resolved. For purposes of service, such complaints or other documents are deemed effective on the day of posting.

(Ord. 2067 §1 (part), 2004)

8.45.160 Complaint Hearing

Not less than ten days nor more than 30 days after serving a complaint, the Improvement Officer shall hold a hearing conforming to the provisions of RCW 35.80.030, at which all parties in interest shall be given the right to appear in person, to bring witnesses, and to give testimony regarding the complaint. At any time prior to or at the time of the hearing, any party may file an answer to the complaint. The Improvement Officer shall adopt procedural rules governing the procedure of such hearing, which shall be available for public inspection at the Tukwila Department of Community Development.

(Ord. 2067 §1 (part), 2004)

8.45.170 Determination, Findings of Fact, and Order

Within ten days of the complaint hearing, the Improvement Officer shall issue a Determination, Findings of Fact, and Order stating the Improvement Officer's determination as to whether the subject dwelling, building, structure or premises is unfit for human habitation or other use; the findings of fact supporting the determination; and an order specifying the actions necessary to address any unfitness, and a deadline for completing the actions. The Determination, Findings of Fact, and Order shall be served and posted as set forth in TMC 8.45.150, and if no appeal is filed within the deadline specified in TMC 8.45.180, a copy of the Determination, Findings of Fact, and Order shall be filed with the King County Auditor.

(Ord. 2067 §1 (part), 2004)

8.45.180 Appeal to Appeals Commission

Within 30 days of service of a Determination, Findings of Fact, and Order, any party may file an appeal to the Appeals Commission. Such an appeal shall be governed by the City of Tukwila Hearing Examiner's procedural rules, except that the Appeals Commission shall conduct a hearing on the appeal and issue a ruling within 60 days from the date the appeal is filed; and if the Appeals Commission issues any oral findings of fact, the ruling shall contain a transcript of such findings in addition to any findings issued at the time of the ruling. The ruling shall be served and posted as set forth in TMC 8.45.150, and if no appeal is filed within the deadline specified in TMC 8.45.190, a copy of the ruling shall be filed with the King County Auditor.

(Ord. 2067 §1 (part), 2004)

8.45.190 Appeal to Superior Court

Any person affected by a Determination, Findings of Fact, and Order issued by the Improvement Officer, who has brought an appeal before the Appeals Commission pursuant to TMC 8.45.180 may, within 30 days after the Appeals Commission's ruling has been served and posted pursuant to TMC 8.45.150, petition the King County Superior Court for an injunction restraining the Improvement Officer from carrying out the provisions of the Determination, Findings of Fact, and Order. In all such proceedings, the Court is authorized to affirm, reverse or modify the order, and such trial shall be heard de novo.

(Ord. 2067 §1 (part), 2004)

8.45.200 Remediation/Penalties

If a party, following exhaustion of the party's rights to appeal, fails to comply with the Determination, Findings of Fact, and Order, the Officer may direct or cause the subject dwelling, building, structure or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished pursuant to Chapter 35.80 RCW.

(Ord. 2067 §1 (part), 2004)

8.45.210 Tax Lien

The cost of any action taken by the Improvement Officer under TMC 8.45.200 shall be assessed against the subject property pursuant to Chapter 35.80 RCW. Upon certification by the City of Tukwila Finance Director that the assessment amount is due and owing, the King County Treasurer shall enter the amount of such assessment upon the tax rolls against the subject property pursuant to the provisions of RCW 35.80.030.

(Ord. 2067 §1 (part), 2004)

8.45.220 Salvage

Materials from any dwelling, building, structure, or premises removed or demolished by the Improvement Officer shall, if possible, be salvaged and sold as if the materials were surplus property of the City of Tukwila, and the funds received from the sale shall be credited against the cost of the removal or demolition; and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the Improvement Officer, after deducting the costs incident thereto.

(Ord. 2067 §1 (part), 2004)

CHAPTER 8.46

RELOCATION ASSISTANCE PROGRAM

Sections:

8.46.010	Purpose
8.46.020	Notification of Relocation Assistance
8.46.030	Advancement of Relocation Assistance
8.46.040	Reimbursement of Relocation Assistance
8.46.050	Penalty
8.46.060	Exemption from Reimbursement of Relocation Assistance

8.46.010 Purpose

The purpose of this chapter is to establish, pursuant to RCW 59.18.085, a relocation assistance program for tenants whose dwellings have been condemned by the City.

(Ord. 2122 §1 (part), 2006)

8.46.020 Notification of Relocation Assistance

At the time the City notifies a landlord that a dwelling is condemned or unlawful to occupy due to the existence of conditions that violate applicable codes, statutes, ordinances, or regulations, the City shall also notify both the landlord and the tenant(s) that the tenant(s) may be entitled to relocation assistance from the landlord under RCW 59.18.085.

(Ord. 2122 §1 (part), 2006)

8.46.030 Advancement of Relocation Assistance

If the City determines that the tenant(s) are entitled to relocation assistance, and the landlord has failed to provide the tenant(s) with relocation assistance within seven days of the City notifying the landlord of the condemnation, eviction or displacement order, the City may advance the cost of relocation assistance to the tenant(s). The amount of relocation assistance advanced shall be no more than \$2,000 or three times the monthly rent, whichever is greater.

(Ord. 2122 §1 (part), 2006)

8.46.040 Reimbursement of Relocation Assistance

The landlord shall reimburse the City the relocation assistance advanced by the City to the tenant(s) within 60 days from the date that the City first advanced said funds.

(Ord. 2122 §1 (part), 2006)

8.46.050 Penalty

Failure by the landlord to repay the City for the advanced relocation assistance within 60 days shall result in the assessment of civil penalties in the amount of \$50 per day for each displaced tenant. In addition, interest shall accrue at the maximum legal rate of interest permitted under RCW 19.52.020, commencing 30 days after the date the City first advanced relocation assistance funds to the displaced tenant(s). The City shall also be entitled to attorney's fees and costs arising from any legal action taken to recover unpaid relocation assistance, penalties and interest. The City may also recover advanced relocation assistance, penalties and interest pursuant to TMC 8.45.200 Remediation/Penalties.

(Ord. 2122 §1 (part), 2006)

8.46.060 Exemption from Reimbursement of Relocation Assistance

A. The landlord may be exempt from reimbursing the City for relocation assistance if the landlord can demonstrate by a preponderance of the evidence within seven days of the City sending notice of the condemnation, eviction or displacement order that the condition(s) causing the dwelling to be condemned or unlawful to occupy was directly caused by:

1. a tenant's or any third party's illegal conduct without the landlord's prior knowledge;
2. a natural disaster, such as an earthquake, tsunami, wind storm or hurricane; or
3. the acquisition of the property by eminent domain.

B. Relocation assistance will not be advanced to a tenant who has entered into a rental agreement after official notice has been given to the landlord, but before the violations have been corrected.

(Ord. 2122 §1 (part), 2006)

CHAPTER 8.50

CRIMES RELATING TO PUBLIC MORALS

Sections:

8.50.010	Public Indecency – Sex Crimes
8.50.020	Lewd Conduct - Lewd Assault
8.50.030	Indecent Exposure
8.50.040	Prostitution Loitering
8.50.050	Illicit Conduct

8.50.010 Public Indecency – Sex Crimes

The following statutes of the State of Washington, as now in effect or as may be subsequently amended or recodified, are hereby adopted by reference:

RCW 9A.44.010	Definitions.
RCW 9A.44.096	Sexual misconduct with a minor in the second degree.
RCW 9A.44.120	Admissibility of child's statement – Conditions.
RCW 9A.44.132	Failure to register as sex offender or kidnapping offender – Refusal to provide DNA.
RCW 9A.44.170	Custodial sexual misconduct in the second degree.
RCW 9A.88.010	Indecent exposure.
RCW 9A.88.030	Prostitution.
RCW 9A.88.050	Prostitution – Sex of parties immaterial – No defense.
RCW 9A.88.090	Permitting prostitution.
RCW 9A.88.110	Patronizing a prostitute.
RCW 9A.88.120	Additional fee assessments.
RCW 9A.88.130	Additional requirements.
RCW 9A.88.140	Vehicle impoundment – Fees – Fines.
RCW 9A.88.150	Seizure and forfeiture.

*(Ord. 2497 §5, 2016; Ord. 1538 §1, 1989;
Ord. 1363 §1 (part), 1985)*

8.50.020 Lewd Conduct - Lewd Assault

A. *Definitions* – For purposes of this section, the following definitions shall apply:

1. *"Expressive dance"* means any dance which, when considering the context of the entire performance, constitutes an expression of theme, story or ideas, but excluding any dance such as, but not limited to, common barroom-type topless dancing which, when considered in the context of the entire performance is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas.

2. *"Lewd act"* means:

- a. Touching, caressing or fondling the genitals;
- b. Exposure of one's own erect penis;

- c. Masturbation;
- d. Sexual intercourse;
- e. Urination or defecation other than in a restroom.

Provided, however, that the foregoing definition shall not apply to any:

f. *"Expressive dance"* as defined in TMC 8.50.020A.1;

g. Play, opera, musical or other similar work;

h. Class, seminar or lecture conducted for a scientific or educational purpose;

i. Nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities; or

j. Non-obscene expression.

3. *"Public place"* means:

a. Any place open to the public, including public restrooms;

b. Any place easily visible from a public thoroughfare or from the property of another; and

c. Any vehicle which is itself located in a public place as defined in this section, such that activities inside the vehicle may be observed by a member of the public.

4. *"Lewd assault"* means the uninvited touching, or uninvited attempt to touch, coupled with an apparent present ability to complete the act, another person's genitals, pubic area, or buttocks, or the female breast.

B. *Lewd Conduct Prohibited* - No person shall intentionally perform any lewd act:

1. in a Public place, or

2. in any place under such circumstances as to make it difficult for an unwilling member of the public to avoid exposure.

C. *Lewd Assault Prohibited* - No person shall intentionally commit a lewd assault.

D. *Revocation of Business Licenses* - If the owner, manager or operator of any premises open to the public intentionally permits any lewd act to occur in public on the premises, such permission shall constitute cause for the revocation of any business license granted or issued by the city for such premises. Revocation shall be accomplished pursuant to applicable city ordinances governing revocation proceedings.

(Ord. 1908 §1, 2000; Ord. 1363 §1 (part), 1985)

8.50.030 Indecent Exposure

A. *Definitions* – For purposes of this section, the following definitions shall apply:

1. *"Expressive dance"* shall have the same meaning as in TMC 8.50.020A.1;

2. *"Indecent exposure"* means showing, or making open to view, one's genitals, pubic area, or buttocks, or the mature female breast;

Provided, however, that the foregoing definition shall not apply to any:

a. "Expressive dance" as defined in TMC 8.50.020A1;(2) Play, opera, musical or other similar work;

b. Class, seminar or lecture conducted for a scientific or educational purpose;

c. Nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities.

3. "Public place" means:

a. Any place open to the public, or open to public view;

b. Any place easily visible from a public thoroughfare or from the property of another; and

c. Any vehicle which is itself located in a public place, as defined in this section, such that activities inside the vehicle may be observed by a member of the public.

B. Indecent Exposure Prohibited – No person shall intentionally make any indecent exposure of his/her person in a public place.

C. Revocation of Business License – If the owner, manager or operator of any premises open to the public intentionally permits any indecent exposure to occur in public on the premises, such permission shall constitute cause for the revocation of any business license granted or issued by the City for such premises. Revocation shall be accomplished pursuant to applicable City ordinances governing revocation proceedings.

(Ord. 1363 §1 (part), 1985)

8.50.040 Prostitution Loitering

A. As used in this section:

1. "Commit prostitution" means to engage in sexual conduct for money, but does not include sexual conduct engaged in as part of any stage performance, play or other entertainment open to the public.

2. "Known prostitute or procurer" means a person who within one year previous to the date of arrest for violation of this section has, within the knowledge of the arresting officer, been convicted in any court of an offense involving prostitution.

3. "Public place" is an area generally visible to public view and includes without limitation streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the ground enclosing them.

4. "Sexual conduct" means:

a. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or

b. Any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; or

c. Any act or sexual contact between persons involving the sex organs of one person and the mouth or anus of another, whether such persons are of the same or opposite sex; or

d. Masturbation, manual or instrumental, of one person by another.

B. A person is guilty of prostitution loitering if he or she is in or remains in a public place and intentionally solicits, induces, entices or procures another to commit an illegal sex act, including but not limited to those enumerated in or adopted by TMC Chapter 8.50.

C. The following nonexclusive circumstances may be considered in determining whether the actor intends to commit the crime of prostitution loitering. The actor:

1. Repeatedly beckons to, stops or attempts to stop, or engages passers-by in conversation; or

2. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture; or

3. Circles or repeatedly returns to an area in a motor vehicle and repeatedly beckons to, contacts or attempts to stop pedestrians; or

4. Is a known prostitute or procurer; or

5. Inquires whether a potential patron or other person is a police officer, searches for articles that would identify a police officer, or requests the touching or exposing of genitals or female breasts to prove that the person is not a police officer.

(Ord. 1752 §1, 1995; Ord. 1533 §1, 1989)

8.50.050 Illicit Conduct

A. No person shall touch, caress or fondle the genitals, pubic area or adult female breast, or that person or another, whether under or through clothing, for the purpose of sexual arousal or exciting the sexual desires of either party, in a place open to the public; provided, however, this subsection shall not apply to any class, seminar, or lecture held for serious scientific, artistic or educational purposes.

B. No person shall expose to view, in any place open to the public, any portion of the adult female breast below the top of the areola, or any portion of the pubic hair, anus, anal cleavage, vulva and/or genitals, except as permitted in a licensed adult entertainment cabaret pursuant to TMC Chapter 5.56; provided, however, this subsection shall not apply to any class, seminar, or lecture held for serious scientific, artistic or educational purposes.

(Ord. 1753 §1, 1995)

CHAPTER 8.60
CRIMES RELATING TO
PUBLIC OFFICERS

Sections:

- 8.60.020 Obstructing Justice, Criminal Assistance,
Introducing Contraband and Related Offenses
 - 8.60.030 Escape
 - 8.60.040 Vehicles Resembling Police or Fire Vehicles
-

**8.60.040 Vehicles Resembling Police or Fire
Vehicles**

No person shall operate a motor vehicle within the city which is painted and contains decals, numbers, name, or insignia so as to simulate a Tukwila police or fire department vehicle without prior authorization from the police chief, fire chief or their designees.

(Ord. 1677 §13, 1993)

**8.60.020 Obstructing Justice, Criminal Assistance,
Introducing Contraband and Related Offenses**

The following RCW statutes of the State of Washington are adopted by reference:

- 9.69.100 Withholding knowledge of felony involving
violence – Penalty.
- 9A.72.040 False swearing.
- 9A.72.140 Jury tampering.
- 9A.72.150 Tampering with physical evidence.
- 9A.76.010 Definitions.
- 9A.76.020 Obstructing a law enforcement officer.
- 9A.76.030 Refusing to summon aid for a peace officer.
- 9A.76.040 Resisting arrest.
- 9A.76.050 Rendering criminal assistance – Definition of
terms.
- 9A.76.060 Relative defined.
- 9A.76.080 Rendering criminal assistance in the second
degree.
- 9A.76.090 Rendering criminal assistance in the third
degree.
- 9A.76.100 Compounding.
- 9A.76.160 Introducing contraband in the third degree.
- 9A.76.170
(1)(2)(d) Bail jumping.
- 9A.76.175 Making a false or misleading statement to a
public servant.
- 9A.84.040 False reporting.

*(Ord. 1806 §1, 1997; Ord. 1677 §14, 1993;
Ord. 1532 §1, 1989; Ord. 1363 §1 (part), 1985)*

8.60.030 Escape

The following statutes of the State of Washington are adopted by reference:

- RCW 9.31.090 Escaped prisoner recaptured.
- RCW 9A.76.130 Escape in the third degree.

(Ord. 1363 §1 (part), 1985)

CHAPTER 8.70

CRIMES RELATING TO PUBLIC PEACE

Sections:

- 8.70.010 Disorderly Conduct
 - 8.70.020 Riot, Failure to Disperse And Obstruction
 - 8.70.030 Privacy, Violating Right of
 - 8.70.040 Libel and Slander
 - 8.70.050 Malicious Prosecution – Abuse of Process
-

8.70.010 Disorderly Conduct

A person is guilty of disorderly conduct if he:

1. Uses abusive language and thereby intentionally creates a risk of assault; or
2. Intentionally disrupts any lawful assembly or meeting of persons without authority; or
3. Intentionally obstructs vehicular or pedestrian traffic without lawful authority; or
4. Intentionally and without lawful authority makes noise which unreasonably disturbs another; or
5. Intentionally engages in any conduct which tends to or does disturb the public peace, provide disorder, or endanger the safety of others.

(Ord. 1363 §1 (part), 1985)

8.70.020 Riot, Failure to Disperse and Obstruction

The following statutes of the State of Washington are adopted by reference:

- RCW 9A.84.010
- (1)(2)(b) Riot.
- RCW 9A.84.020 Failure to disperse.
- RCW 9.27.015 Interference, obstruction of any court, building or residence – Violations.

(Ord. 1363 §1 (part), 1985)

8.70.030 Privacy, Violating Right of

The following statutes of the State of Washington are adopted by reference:

- RCW 9.73.010 Divulging telegram.
- RCW 9.73.020 Opening sealed letter.
- RCW 9.73.030 Intercepting, recording or divulging private communication – Consent required – Exceptions.
- RCW 9.73.070 Intercepting, recording or divulging private communications – Persons and activities excepted.
- RCW 9.73.090 Police and Fire personnel exempted from RCW 9.73.030 through 9.73.080 – Standards.
- RCW 9.73.100 Recordings available to defense counsel.

(Ord. 1363 §1 (part), 1985)

8.70.040 Libel and Slander

The following statutes of the State of Washington are adopted by reference:

- RCW 9.58.010 Libel, what constitutes.
- RCW 9.58.020 How justified or excused – Malice, when presumed.
- RCW 9.58.030 Publication defined.
- RCW 9.58.040 Liability of editors and others.
- RCW 9.58.050 Report of proceedings privileged.
- RCW 9.58.070 Privileged communications.
- RCW 9.58.080 Furnishing libelous information.
- RCW 9.58.090 Threatening to publish libel.
- RCW 9.58.100 Slander of financial institution.
- RCW 9.58.120 Testimony necessary to convict.

(Ord. 1363 §1 (part), 1985)

8.70.050 Malicious Prosecution – Abuse of Process

The following statutes of the State of Washington are adopted by reference:

- RCW 9.62.010 Malicious prosecution.
- RCW 9.62.020 Instituting suit in name of another.

(Ord. 1363 §1 (part), 1985)

CHAPTER 8.72

STREET RACING

Sections:

- 8.72.010 Definitions.
- 8.72.020 SOAR Orders.
- 8.72.030 Designated "No Racing Zones."
- 8.72.040 Unlawful Race Attendance Prohibited.
- 8.72.050 Issuance of SOAR Orders.
- 8.72.060 Violation of SOAR Orders.

8.72.010 Definitions

Unless the context clearly requires otherwise, the definitions in TMC Chapter 8.72 shall apply throughout this chapter.

1. "Public place" means an area, whether publicly or privately owned, generally open to the public and includes, without limitation, the doorways and entrances to buildings or dwellings and the grounds enclosing them, streets, sidewalks, bridges, alleys, plazas, parks, driveways, and parking lots.
2. "SOAR" is an abbreviation for "Stay Out of Areas of Racing."
3. "Unlawful race event" means an event wherein persons willfully compare or contest relative speeds by operation of one or more motor vehicles.

(Ord. 2017 §1 (part), 2003)

8.72.020 SOAR Orders

A SOAR order prohibits persons from engaging in racing or unlawful race attendance within a "No Racing Zone," as set forth herein, between the hours of 10:00PM and 4:00AM.

(Ord. 2017 §1 (part), 2003)

8.72.030 Designated "No Racing Zones"

A. The SOAR order may apply to any of the following areas, designated herein as "No Racing Zones," between the hours of 10:00PM and 4:00AM:

1. Segale Business Park, including:
 - a. Andover Park West, from Tukwila Parkway to Segale Drive C;
 - b. Segale Drive A;
 - c. Segale Drive B;
 - d. Segale Drive C;
 - e. Segale Drive D;
2. Southcenter South Business Park, including:
 - a. Todd Boulevard;
 - b. Olympic Avenue South;
 - c. Riverside Drive;
 - d. Glacier Street;
3. Andover Park East, from Tukwila Parkway to South 180th Street;
4. Corporate Drive North;
5. Corporate Drive South;
6. Midland Drive;

7. Minkler Boulevard, from Southcenter Parkway to 600 Industry Drive;
8. Strander Boulevard, from Southcenter Parkway to West Valley Highway;
9. Triland Drive;
10. Upland Drive;
11. West Marginal Place, from the 10000 block to the 11000 block; and
12. West Valley Highway, from Southcenter Boulevard to South 190th Street.

B. These "No Racing Zones" include the locations listed in TMC 8.72.030A, together with adjoining property areas (such as sidewalks, entryways, landscaped areas, and parking areas), if those adjoining areas are being used for racing or unlawful race attendance regardless of whether such property is public or private. These "No Racing Zones" shall be designated by the placement of clear and conspicuous signs at all highway entrances to the no racing zone. At a minimum, these signs must include the following statements: "No Racing Zone"; "Race Attendance Prohibited"; TMC 8.72.040.

(Ord. 2017 §1 (part), 2003)

8.72.040 Unlawful Race Attendance Prohibited

Any person who:

1. has actual or constructive knowledge that they are in a designated SOAR area between the hours of 10:00PM and 4:00AM, and
2. has actual or constructive knowledge that an unlawful race event is occurring, has occurred, or is about to occur, and
3. intends to observe or support or encourage the unlawful race event, is guilty of a misdemeanor.

(Ord. 2017 §1 (part), 2003)

8.72.050 Issuance of SOAR Orders

A. The Municipal Court may issue a SOAR order to any person charged with racing, unlawful race attendance, reckless driving associated with race activity, or trespass associated with race activity as a condition of pre-trial release, sentence, or deferred sentence.

B. A person is deemed to have notice of the SOAR order when:

1. The signature of either the person named in the order or that of his or her attorney is affixed to the bottom of the order, which signature shall signify the person named in the order has read the order and has knowledge of the contents of the order; or
2. The order recites that the person named in the order, or his or her attorney, has appeared in person before the court at the time of issuance of the order.

C. The written SOAR order shall contain the court's directives and shall bear the statement: "Violation of this order is a criminal offense under TMC 8.72.060 and will subject the violator to arrest."

(Ord. 2017 §1 (part), 2003)

8.72.060 Violation of SOAR Orders

A. In the event a police officer has probable cause to believe that a person has been issued a SOAR order as a condition of pre-trial release or a sentence imposed by the court and, in the officer's presence, the person is seen violating or failing to comply with any requirement or restriction imposed upon that person by the court as a condition of his or her pre-trial release or condition of sentence, the officer may arrest the violator without warrant for violation of the SOAR order and shall bring that person before the court that issued the order.

B. When a SOAR order is issued pursuant to this chapter and the person so named in the order has notice of the order, a violation of any of the provisions of the SOAR order is a gross misdemeanor and shall be punishable by a fine not to exceed \$5,000 or imprisonment not to exceed more than one year, or both.

(Ord. 2017 §1 (part), 2003)

CHAPTER 8.80
MISCELLANEOUS CRIMES

Sections:

- 8.80.010 Conduct Prohibited
 - 8.80.020 Littering, Pollution And Smoking
 - 8.80.030 United States and State Flags – Related Crimes
-

8.80.030 United States and State Flags – Related Crimes

The following statutes of the State of Washington are adopted by reference:

- RCW 9.86.010 “Flag,” etc., defined.
- RCW 9.86.020 Improper use of flag prohibited.
- RCW 9.86.030 Desecration of flag.
- RCW 9.86.040 Application of provisions.

(Ord. 1363 §1 (part), 1985)

8.80.010 Conduct Prohibited

The following statutes of the State of Washington are adopted by reference:

- RCW 9.91.010 Denial of civil rights – Terms defined.
- RCW 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated.
- RCW 9.91.025 Unlawful bus conduct.
- RCW 9.91.110 Meal buyers – Records of purchases – Penalty.

(Ord. 1389 §1, 1986; Ord. 1363 §1 (part), 1985)

8.80.020 Littering, Pollution and Smoking

The following statutes of the State of Washington are adopted by reference, as presently constituted or hereinafter amended:

- RCW 70.93.060 Littering prohibited – Penalties.
- RCW 70.54.010 Polluting water supply – Penalty.
- RCW 70.155.080 Purchasing, possessing, or obtaining tobacco by persons under the age of eighteen – Civil infraction – Courts of jurisdiction.
- RCW 70.160.020 Definitions.
- RCW 70.160.030 Smoking in public places except designated smoking areas prohibited.
- RCW 70.160.040 Designation of smoking areas in public places – Exceptions – Restaurant smoking areas – Entire facility or area may be designated as nonsmoking.
- RCW 70.160.050 Owners, lessees to post signs prohibiting or permitting smoking – Boundaries to be clearly designated.
- RCW 70.160.060 Intent of chapter as applied to certain private workplaces.
- RCW 70.160.070 Intentional violation of chapter – Removing, defacing, or destroying required sign – Fine – Notice of infraction – Exceptions – Violations of RCW 70.160.040 or 70.160.050 – Subsequent violations – Fine – Enforcement by fire officials.

(Ord. 1903 §1, 2000; Ord. 1363 §1 (part), 1985)

CHAPTER 8.90

CONSTRUCTION AND SEVERABILITY

Sections:

- 8.90.010 Construction
 - 8.90.020 Severability
 - 8.90.030 Amendments to State Statutes
-

8.90.010 Construction

In adopting the foregoing State statutes by reference, only those crimes and offenses within the jurisdiction of a non-charter city are intended to be adopted, and in those sections adopted which deal with both misdemeanors and felonies, only the language applicable to misdemeanors is to be applied.

(Ord. 1363 §1 (part), 1985)

8.90.020 Severability

If any section, sentence, clause or phrase of this title should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this title.

(Ord. 1363 §1 (part), 1985)

8.90.030 Amendments to State Statutes

The amendment of any State statute adopted by reference in this title shall be deemed to amend the corresponding section of this chapter, and it shall not be necessary for the City Council to take any action with respect to such amendment.

(Ord. 1677 §1, 1993)

CHAPTER 8.100
CUSTODIAL CARE STANDARDS FOR
DETENTION FACILITIES

Sections:

8.100.010	Physical Plant Standards
8.100.020	Emergency Suspension of Custodial Care Standards
8.100.030	General Administration
8.100.040	Training
8.100.050	Records
8.100.060	Emergency Procedures
8.100.070	Use of Force
8.100.080	Admissions
8.100.090	Classification and Segregation
8.100.100	Release and Transfer
8.100.110	Staffing and Surveillance
8.100.120	Supervision And Surveillance – Security Devices
8.100.130	Critical Articles
8.100.140	Rules of Conduct
8.100.150	Written Procedures for Medical Services
8.100.160	Access to Health Care
8.100.170	Access to Facilities
8.100.180	Meals

8.100.010 Physical Plant Standards

Holding facilities shall be secure. Such facilities shall have adequate lighting, heat, ventilation, and fire detection and suppression equipment. Each holding facility cell shall be equipped with a bench, toilet, lavatory and drinking water facilities. A telephone shall be accessible.

(Ord. 1464 §1 (part), 1988)

8.100.020 Emergency Suspension Of Custodial Care Standards

Nothing in these standards shall be construed to deny the power of the Chief of Police or his designee to temporarily suspend any standard herein prescribed in the event of an emergency which threatens the safety or security of any jail, prisoners, staff or the public.

(Ord. 1464 §1 (part), 1988)

8.100.030 General Administration

There shall be written policies and procedures which shall be made available to each authorized person who is responsible for the confinement of a prisoner in the facility.

(Ord. 1464 §1 (part), 1988)

8.100.040 Training

All authorized persons responsible for the confinement of a prisoner shall receive an orientation to the policies and procedures of the facility relative to their duties. On-the-job training shall be provided as deemed appropriate by the Chief of Police or his designee.

(Ord. 1464 §1 (part), 1988)

8.100.050 Records

If formal booking occurs in the facility, the information shall be recorded on a booking form. Any medical problems experienced by a prisoner while in the facility shall be recorded and such records maintained. Information concerning medical problems shall be transmitted at the time the prisoner is transported to another jail, hospital, or other facility.

1. Prison population records shall be maintained by keeping a jail register for each holding facility.

2. Written infraction and discipline records shall be maintained for all incidents which result in major property damage or bodily harm.

(Ord. 1464 §1 (part), 1988)

8.100.060 Emergency Procedures

The emergency plan shall outline the responsibilities of department staff, evacuation procedures, and subsequent disposition of the prisoners after removal from the area or facility. All personnel should be trained in the emergency procedures.

(Ord. 1464 §1 (part), 1988)

8.100.070 Use of Force

The Chief of Police or his designee shall establish and maintain written policies and procedures regarding the use of force and the use of deadly force. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force (lethal-nonlethal). While the use of physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers are permitted to use only the minimum amount of force that is reasonable and necessary to protect others or themselves from bodily harm and/or to effect an arrest. Officers are to utilize progressive discretion in the use of force, keeping in mind both ends of the spectrum, verbal communication (advice, warning, persuasion, etc.) and lethal force.

1. Lethal force shall be utilized only after all other alternative means have been expended and in concurrence with applicable use of the specific weapon used; firearm, baton, neck holds, etc. The law authorizes an officer to use lethal force when it appears necessary to protect himself or others from what could be reasonably considered as an immediate threat of great bodily harm or imminent peril of death, or to prevent the escape of a fleeing felony suspect when the officer has probable cause to believe that the suspect has committed a dangerous felony as described below:

- a. Murder (any);
- b. Manslaughter (first or second degree);
- c. Rape or attempted rape (first or second degree);
- d. Robbery (any);
- e. Aggravated assault;
- f. Attempted or actual bombing or arson which creates or causes a potential threat to life;
- g. Burglary (perpetrator armed or has assaulted any person therein).

2. Neck holds must be considered potentially lethal as documented in the King County medical examiner's reports. Because they are potentially lethal, they may be considered as an alternative to the use of firearms when the use of firearms is permitted by law.

3. A neck hold, as discussed in this policy, is a general term for two different holds:

- a. Carotid Restraint (sleeper) – The carotid restraint is a method in which the suspect is approached from behind by the officer. The officer places the interior part of his elbow under the suspect's chin against his windpipe, then brings pressure to the suspect's carotid arteries by pressure from the officer's forearm and biceps. This results in a lack of blood flow to the brain and causes the suspect to lose consciousness.

- b. Arm Bar Choke Hold – The arm bar choke hold is a method of controlling the suspect by approaching him from behind and then placing the officer's forearm under the suspect's chin against his windpipe, bringing pressure against the windpipe and causing the suspect to cease resistance due to the lack of air.

4. Neck holds shall be utilized as follows:

- a. Neck holds may be used in self-defense or defense of others whenever the force used or attempted to be used against an officer or another is potentially lethal or creates a substantial risk of serious bodily harm.

- b. Neck holds will not be used by officers for routine control of a person already in custody.

- c. Whenever an officer uses a neck hold, he will notify his on-duty supervisor who will direct that the person on whom the hold was applied be examined by medical personnel.

5. Nonlethal force shall be used as the preferred means in the progression of force used to effect an arrest and to protect one's safety and/or the safety of another.

6. Whenever an officer must employ an amount of force capable of causing injury in the course of effecting an arrest, overcoming resistance, or controlling a dangerous situation, the officer will promptly submit a written report on the incident. This same requirement applies if an incident in which force was used results in actual injury.

(Ord. 1464 §1 (part), 1988)

8.100.080 Admissions

No prisoner shall be confined without proper legal authority.

1. Each prisoner, within a reasonable period of time after completion of booking, shall be advised of his right to, and be allowed to complete, at least two local or collect calls to persons of his choice who may be able to come to his assistance. If the prisoner chooses not to place the calls allowed, this information shall be noted on the booking form; provided, that appropriate protection of access to an attorney shall be maintained for prisoners without funds.

2. Reasonable provisions for communication with non-English speaking, handicapped and illiterate prisoners shall be provided.

3. The booking process shall be completed promptly unless extenuating circumstances necessitate delay.

4. Arrival at the holding facility shall progress as follows:

- a. All persons arrested and taken to be processed at the Tukwila Police Department will enter the facility through the sally port area.

- b. Officers will park their vehicles as far forward and to one side of the sally area as possible (to allow for other vehicles to pass)

- c. Weapons are prohibited in the holding area. They are to be secured in the gun locker or the vehicle trunk prior to removing the prisoner from the vehicle.

5. Registration shall be as follows:

- a. All persons who are brought into the booking area in the custody of the Tukwila Police And/or outside agencies will be registered.

- b. Officers, upon entering the booking room with prisoner(s), are required to advise the clerk on duty of the subject's name. The clerk on duty will note the "Date In" and "Time In" immediately upon the entry of a prisoner into the booking area, along with other information as it is received.

- c. All prisoners will be classified by the shift supervisor or his designee based minimally on, but not limited to, the following criteria:

- (1) Age;
- (2) Sex;
- (3) Prior criminal record;
- (4) Dependency problems, mental illness, suicidal tendencies, or drug or alcohol abuse.

d. Officers will be required to advise the clerk upon taking a prisoner from the booking area, so that the appropriate entry in the booking arrest log under "Date In" and "Time In" can be made. The clerk must also be informed of the disposition of the prisoner, i.e., to Renton jail, personal recognizance, posted bail, turned over to the FBI, etc.

6. Search/Examination Guidelines – The Chief of Police or his designee shall establish and maintain written policies and procedures regarding pat searches, strip searches, and body cavity searches, which shall be consistent with this section.

7. Frisks shall be conducted as follows:

a. All persons arrested for a gross misdemeanor or a more serious offense should be frisked at the scene of the arrest.

b. Whenever possible, frisks should be conducted by persons of the same sex as the arrested person.

c. Nothing in this section is intended to preclude officers from conducting frisks that are authorized/consistent with officer safety and current law.

8. Strip searches shall be conducted as follows:

a. No strip search shall be conducted except pursuant to the written policies and procedures required by this section.

b. No strip search shall be conducted prior to the prisoner's first court appearance unless there is reasonable suspicion that the person has on his or her person evidence of a crime, contraband, fruits of the crime, things otherwise criminally possessed, a weapon, or other things by means of which a crime has been or reasonably appears about to be committed.

c. Reasonable suspicion shall be deemed to be present when a prisoner has been arrested for:

(1) A violent offense as defined in RCW 9.94A.030(17) or any successor statute;

(2) An offense involving escape, burglary, or use of a deadly weapon;

(3) An offense involving possession of a drug or controlled substance under RCW Chapter 69.50 or any successor statute.

d. No strip search shall be authorized or conducted in these cases unless a thorough pat-down search (frisk), a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, do not satisfy the safety, security or evidentiary concerns of the jail.

e. A written record or records of any strip search shall be maintained in the individual file of each person strip searched, which record(s) shall contain the following information:

(1) The name and serial number of the officer conducting the strip search and all others present or observing any part of the strip search;

(2) The time, date and place of the strip search;

(3) Any weapons, criminal evidence, other contraband or health conditions discovered as a result of the strip search.

f. Except where reasonable suspicion is deemed present because of the nature of the arrest offense, this report or these reports shall also contain:

(1) The name of the supervisor authorizing the strip search;

(2) The specific facts constituting reasonable suspicion to believe that the strip search was necessary.

9. Body cavity searches shall be conducted as follows:

a. No body cavity search shall be conducted except pursuant to a valid search warrant. No search warrant for a body cavity search shall be sought without prior authorization of the ranking shift supervisor, pursuant to the written policies and procedures required by the definition of search in this section. Before any body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search and a thorough clothing search, where appropriate, must be used to search for and seize any evidence of a crime, contraband, fruits of a crime, things by means of which a crime has been committed or reasonably appears about to be committed. No body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the law enforcement agency.

b. The following additional provisions shall apply to body cavity searches:

(1) A body cavity search shall be conducted under sanitary conditions and conducted by a physician, registered nurse, or registered physician's assistant, licensed to practice in this state, who is trained in the proper medical process and the potential health problems associated with a body cavity search.

(2) When a body cavity search is conducted by a licensed medical professional of the opposite sex, an observer of the same sex as the prisoner shall be present.

(3) Nothing in this section prohibits a person upon whom a body cavity search is to be performed from having a readily available person of his or her own choosing present at the time the search is conducted. However, the person chosen shall not be a person held in custody by a law enforcement agency.

c. The officer requesting the body cavity search shall prepare and sign a report, which shall include:

(1) A copy of the warrant and any supporting documents required;

(2) The name and sex of all persons conducting or observing the search;

(3) The time, date, place, and description of the search;

(4) A statement of the results of the search and list of any items removed from the person as a result of the search.

d. All physical markings and health tags identification should be recorded and made available to the appropriate jail employees and medical professionals responsible for care of the prisoner.

10. The following provisions shall apply to all strip searches and body cavity searches:

a. Strip searches and body cavity searches shall be conducted in a professional manner which protects the prisoner's dignity to the extent possible.

b. A strip search or body cavity search, as well as pre-search undressing or post-search dressing shall occur at a location made private from the observation of persons not physically conducting the search. A strip search or body cavity search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals when necessary to assure the safety of the prisoner or any person conducting the search.

c. No person may be present or observe during a strip search or body cavity search unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search.

d. When a strip search or body cavity search of a prisoner is conducted, it should include a thorough visual check for birthmarks, wounds, sores, cuts, bruises, scars and injuries, health tags, and body vermin. Less complete searches should include the same checks to the extent possible.

e. Persons conducting a strip search or body cavity search shall not touch the person being searched except as reasonably necessary to effectuate the search of the person.

11. Immediately upon entering the booking area all prisoners will be thoroughly searched and all property will be taken from them and placed into a property box. During the booking process, an inventory will be made of that property, and the property box number will be noted on the booking form.

12. Prisoners suspected of having a communicable disease detrimental to the health of the other prisoners shall be segregated.

13. At the time of booking, if the prisoner's personal property is taken from him, the booking officer shall record and store such items.

(Ord. 1464 §1 (part), 1988)

8.100.090 Classification and Segregation

A. If the following prisoner separations cannot be accomplished during their detention in the holding facility, arrangements shall be made to expedite booking and transfer the prisoner(s) to the King County jail or the Renton jail for segregation and supervision.

1. Sex – Male and female prisoners will not be confined in the same cell or other area where they are within visual or physical contact, except under continual supervision of an officer.

2. Age – Juveniles will not be confined to any area within sight or sound of adult prisoners.

a. For purposes of this procedure, a juvenile is a person under the chronological age of 18 who has not been remanded to superior court jurisdiction.

b. Under no circumstance will prisoners under the chronological age of 18 be confined in the holding cell at the same time it is occupied by adult prisoners.

3. Prisoners who are a danger to their own health and safety and/or to the health and safety of other prisoners and Tukwila Police Department employees shall be closely supervised, booked expeditiously, and transported to the King County jail or other appropriate facility. Prisoners with special problems will not be confined with other prisoners.

B. No prisoner will be held in the Tukwila Police Department holding facility for more than six hours after the completion of the booking process. All deviations from this procedure will require a three-part memo from the shift supervisor to the Chief of Police via the chain of command. If the prisoner is to be held to the maximum time, the arresting officer will check, or will have a designee check the prisoner every hour on the hour, until the prisoner is released.

C. Prisoners outside the booking area shall be handled as follows:

1. Persons arrested subsequent to coming to the Police Department will be handled in the confines of the holding area unless there are substantial reasons why the task can be more appropriately accomplished in the office area. If a prisoner is outside the holding area, he/she will be constantly under the supervision of either sworn personnel or a civilian employee (if appropriate).

2. No arrested person will be allowed into the office area until a thorough search for weapons has been conducted.

3. Prisoners being transported to the Tukwila Municipal Court from holding cells and returning shall be taken through the sally port and up the back stairs.

4. Prisoners being released on bail shall be released through the sally port after bail has been posted.

D. In the event of a holding cell emergency, the arresting officer will have primary responsibility for the prisoner's safety. Since the special services division of the Police Department has been equipped in such a manner as to have the ability of visual and/or audio monitoring of the secure garage, booking room, and cell areas, they will assist in maintaining the safety of all arresting officers and arrested persons following the prescribed procedure stated herein.

E. Escape procedures as are follows:

1. If an escape occurs it shall be the responsibility of the clerk on duty to initiate action. When the clerk is first alerted to the fact that an escape is in progress, the clerk will:

a. Immediately notify any and all Police personnel within the confines of the Tukwila Police Department that an escape is in progress. This notification will be accomplished by using the emergency-call button on the intercom system;

b. Notify Valley Communications that all Police personnel that are performing routine patrol duties are needed at the station because an escape is in progress. This notification will be made by using the red direct line telephone provided;

c. Continue to monitor all security equipment, audio and visual, and keep all personnel advised of the movements and acts being committed by the escapee(s);

d. Assure that the door to the communications room is securely closed and locked;

e. Under no circumstances open any electronically-operated doors under their control unless directed to do so by the highest ranking supervisor on duty.

2. When the supervisor on duty is first alerted to the fact that an escape is in progress, the supervisor will:

a. Acquire all pertinent information from the clerk and shall direct the response and deployment of all responding and available Police personnel;

b. Direct the method of operation to be used to assure the fastest and safest apprehension of the escapee(s);

c. Ensure that all Police personnel involved are made aware of the exact charges the escapee(s) are being held on;

d. Ensure that all surrounding police jurisdictions are furnished with any and all pertinent information to apprehend the escapee, should the escapee be successful in gaining freedom from the building and go undetected in perimeter searches of the immediate area. This will be accomplished by providing Valley Communications with the information via land line, if possible;

e. Ensure that the Chief of Police is advised of the situation at the earliest possible convenience;

f. Ensure that complete written reports are prepared on the escape and forwarded to the Chief of Police.

F. When it comes to the attention of any member or employee of this Department that an assault is about to occur, or is occurring, it shall be the responsibility of that person to initiate the appropriate action to prevent such assault from commencing or continuing and immediately notify the supervisor on duty. If an assault has already occurred, the member or employee of the Department discovering such assault shall take the appropriate action to initiate a complete investigation of the matter. If it becomes apparent through the course of investigation that criminal charges can be filed against one or more of the individuals involved in the assault, then the investigator will seek to file such charges.

G. When it comes to the attention of any member of this Department that a prisoner has received an injury, the supervisor and clerk on duty will immediately be notified. The clerk will then immediately summon aid personnel through Valley Communications. The supervisor will evaluate the situation and if required will assure the prisoner is transported to the nearest available hospital for doctor's care. The supervisor will also conduct a complete investigation into the matter of how the prisoner was injured and will reduce the facts obtained to written form and submit the report to the Chief of Police by the start of the following work day. If the prisoner has received a serious injury, the Chief shall be notified immediately.

H. When it comes to the attention of any member of this Department that a prisoner may have committed suicide, he or she shall immediately notify the supervisor on duty and personnel of the Tukwila Fire Department. The employee will not take any other action on this emergency other than checking the prisoner to ascertain whether he may still be alive. In checking the prisoner, the employee shall exercise extreme caution so as not to disturb any evidence at the scene. The supervisor receiving notification of a suicide will immediately notify the Chief of Police, and the Chief of Police will direct the further course of action to be taken. In the case of an attempted suicide, the procedures listed in TMC 8.100.090G will be followed.

I. When it comes to the attention of any member of this Department that a fire has started within the confines of the Police Department, they shall immediately notify the clerk and supervisor on duty. The clerk shall immediately notify Valley Communications personnel to dispatch fire personnel to this location. In the event a prisoner is being housed in the holding facility at the time the fire occurs, it shall be the responsibility of the supervisor and/or clerk or other personnel within the building to immediately take the prisoner from his cell and remove him from the building. In the event the fire has disabled the electrically operated doors within the booking and holding facility, the person who is removing the prisoner will get the keys from the clerk or supervisor which manually unlock these doors. The prisoner's safety is paramount to his incarceration.

J. Response to crimes involving juveniles will not differ from that for adult crimes. Officers may use any reasonable means to protect themselves when a juvenile is a threat to personal or public safety.

K. Officers will take necessary action to protect the welfare of status offenders (runaways, neglected or dependent juveniles) in accordance with appropriate laws and procedures. Referrals to parents or social service agencies will be made as appropriate.

L. When juvenile criminal offenders are taken into custody, they will be treated in the same manner as adults with the following exceptions:

1. Segregation will be maintained from adult offenders as outlined in TMC 8.100.090A.2.

2. Juveniles will not be cited (other than traffic). Completed reports will be filed with the King County juvenile court.

3. Juveniles will be released to a parent or responsible adult unless they are a danger to themselves or others.

4. The King County youth service center will be the place of confinement for those offenders who must be detained.

5. Only those juveniles arrested for a felony or gross misdemeanor are to be photographed and fingerprinted as part of the processing incident to arrest.

(Ord. 1464 §1 (part), 1988)

8.100.100 Release and Transfer

The releasing officer shall determine prisoner identity and ascertain that there is legal authority for the release. Information required on the release forms shall be recorded for each prisoner released from the facility. All prisoners being released shall sign a receipt for personal property returned.

(Ord. 1464 §1 (part), 1988)

8.100.110 Staffing and Surveillance

There shall be continual sight and/or sound surveillance of all prisoners. Such surveillance may be by remote means, provided there is the ability of staff to respond face-to-face to any prisoner within a reasonable time.

(Ord. 1464 §1(part), 1988)

8.100.120 Supervision and Surveillance – Security Devices

Security devices shall be maintained in proper working condition at all times.

(Ord. 1464 §1 (part), 1988)

8.100.130 Critical Articles

All holding facilities shall establish written procedures to insure that weapons shall be inaccessible to prisoners at all times.

1. Weapons are prohibited in the holding area. They are to be secured in the gun locker or the vehicle trunk prior to removing the prisoner from the vehicle.

2. There shall be two sets of keys for the holding area:

a. One set will be in the key control cabinet in the clerical division. This will be the regularly used set of keys;

b. One set will be under the control of the detective sergeant.

(Ord. 1464 §1 (part), 1988)

8.100.140 Rules of Conduct

Prisoners shall be informed of facility rules and regulations, if they are established.

(Ord. 1464 §1 (part), 1988)

8.100.150 Written Procedures for Medical Services

Medical services shall be provided only by licensed or certified health care providers.

(Ord. 1464 §1 (part), 1988)

8.100.160 Access to Health Care

Prisoner complaints of injury or illness, or staff observations of such shall be acted upon by staff as soon as reasonably possible. Prisoners shall be provided with medical diagnosis or treatment as necessary.

1. Standard first-aid kits shall be conveniently available to all jails.

2. A record of the date, time, place and name of the health care provider shall be retained on file at the jail if any health care services are provided to prisoners.

(Ord. 1464 §1 (part), 1988)

8.100.170 Access to Facilities

Each prisoner shall have access to toilet, sink, drinking water, and adequate heat and ventilation.

1. Prisoners shall be issued a clean blanket, when appropriate. The blanket shall be washed at frequent intervals to maintain a clean condition, and always before reissue.

2. All jails shall be kept in a clean and sanitary condition, free from any accumulation of dirt, filth, rubbish, garbage, and other matter detrimental to health.

3. The Chief of Police shall establish and post rules which specify regular telephone usage times and the maximum length of calls (not to be less than five minutes).

Long distance calls shall be at the prisoner's expense or collect; provided, that appropriate protection of access to an attorney shall be maintained for prisoners without funds.

4. The Chief of Police or his designee should allow confidential visits from business, educational and law enforcement professionals.

(Ord. 1464 §1 (part), 1988)

8.100.180 Meals

Jail meals shall be nutritious and provide for appropriate caloric intake.

(Ord. 1464 §1 (part), 1988)